

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NORTH CAROLINA  
3 CHARLOTTE DIVISION  
4  
5 RAY KIFER, JR.,  
6 Plaintiff(s),  
7 vs. ACTION NO.  
8 3:21-CV-039-DCK  
9 DAVID SCOTT BURROUGHS, DAVID  
10 SPENCER, KYLE BEAM, JOSH BEAM,  
11 JIMMY WILLIAMS, AND UNKNOWN  
12 FEDERAL AGENT,  
13 Defendant(s).  
14  
15 VIRTUAL VIDEO  
16 DEPOSITION OF: KYLE BEAM  
17  
18 DATE: Wednesday, May 11, 2022  
19  
20 TIME: 12:32 p.m. through 2:33 p.m.  
21  
22 TAKEN BY: Attorneys for the Plaintiff(s)  
23  
24 COURT REPORTER: MADONNA M. FARRELL  
25 Registered Professional Reporter  
Certified Livenote Reporter  
CaseViewNet Realtime Reporter

**RAY KIFER, JR. vs DAVID SCOTT BURROUGHS, ET AL.**  
**Kyle Beam on 05/11/2022**

Pages 2..5

Page 2				Page 4			
1	VIRTUAL APPEARANCES OF COUNSEL			1	P R O C E E D I N G S		
2	REPRESENTING THE PLAINTIFF:			2	*****		
3	REPRESENTING THE PLAINTIFF:			3	VIDEOGRAPHER: This is the beginning of		
4	RUDOLF WIDENHOUSE			4	Media Unit Number 1 in the deposition of		
5	BY: SONYA PFEIFFER, ESQUIRE			5	Kyle Beam in the matter of Ray Kifer versus		
6	AND: J.P. LATTIMORE, ESQUIRE			6	David Scott Burroughs, et al., Case Number		
7	225 East Worthington Avenue, Suite 100			7	3:21-CV-039-DCK.		
8	Charlotte, NC 28203			8	Today's date is Wednesday, May 11th,		
9	Office: 704.333.9945			9	2022, and the time on the monitor is		
10	Email: Spfeiffer@rudolfwidenhouse.com			10	12:32 p.m.		
11	Jplattimore@rudolfwidenhouse.com			11	My name is Amanda Smith, and I am the		
12	REPRESENTING THE DEFENDANTS & DEPONENT VANCE			12	vid- -- videographer. The court reporter is		
13	BENNETT:			13	Madonna Farrell. We are here with Huseby		
14	WOMBLE BOND DICKINSON			14	Global Litigation.		
15	BY: SEAN PERRIN, ESQUIRE			15	Counsel, please introduce yourselves,		
16	One Wells Fargo Center, Suite 3500			16	after which the court reporter will make a		
17	301 South College Street			17	statement.		
18	Charlotte, NC 28202-6037			18	MS. PFEIFFER: Good afternoon.		
19	Office: 704.331.4900			19	I'm Sonya Pfeiffer, and along with J.P.		
20	Email: Sean.perrin@wbd-us.com			20	Lattimore, I represent the plaintiff, Ray		
21	REPRESENTING THE DEFENDANT DAVID SCOTT BURROUGHS:			21	Kifer, Jr., and we're also joined by our		
22	HALL BOOTH SMITH P.C.			22	paralegal, Suzette Woolsey.		
23	BY: CHRISTIAN FERLAN, ESQUIRE			23	MR. PERRIN: This is Sean Perrin on		
24	11215 North Community House Road, Suite 750			24	behalf of Kyle Beam.		
25	Charlotte, NC 28277			25	MR. FERLAN: Christian Ferlan on behalf		
	Office: 980.949.7822						
	Email: Cferlan@hallboothsmith.com						
	ALSO PRESENT: SUZETTE WOOLSEY, PARALEGAL						

Page 3				Page 5			
1	INDEX			1	of David Scott Burroughs.		
2	Examination By	Page	Line	2	COURT REPORTER: And I will read in		
3	By Ms. Pfeiffer	6	4	3	this statement.		
4	Certificate of Reporter	112	1	4	Will all parties acknowledge that in		
5				5	lieu of an oath administered remotely, the		
6				6	witness will verbally declare his or her		
7	PLAINTIFF(S) EXHIBITS			7	testimony in this matter is true under		
8	Exhibit #	Description	Page	8	penalty of perjury and all parties and their		
9	EXHIBIT 14	BLET Controlled	42	9	counter consent -- and all parties and their		
10		Substances Page 46	25	10	counsel consent to this arrangement, waive		
11	EXHIBIT 15	K. Beam Answers to	46	11	any objections to this manner of reporting,		
12		Interrogatories	25	12	and the witness has veri- -- verified that		
13	EXHIBIT 16	Subset of calls	88	13	he is, in fact, Kyle Beam. Please indicate		
14		between K. Beam and D.	18	14	your agreement to this stipulation by		
15	EXHIBIT 17	Burroughs	25	15	stating your name and your agreement on the		
16		Subset of calls	88	16	record.		
17	EXHIBIT 18	between D. Burroughs,	15	17	MS. PFEIFFER: Sonya Pfeiffer, on		
18		K. Beam, D. Spencer	3	18	behalf of all plaintiff's attorneys, we		
19	EXHIBIT 19	D. Burroughs IA	9	19	agree.		
20		interview,		20	MR. PERRIN: Sean Perrin, on behalf of		
21	EXHIBIT 20	K. Beam reprimand	100	21	Kyle Beam, we agree.		
22		Blue Line post	9	22	MR. FERLAN: Christian Ferlan, on		
23				23	behalf of Defendant Burroughs, I agree.		
24				24	VIDEOGRAPHER: Okay. We may proceed.		
25				25	MS. PFEIFFER: Okay. Great.		

**RAY KIFER, JR. vs DAVID SCOTT BURROUGHS, ET AL.**  
**Kyle Beam on 05/11/2022**

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<p>1 KYLE BEAM, being first duly sworn, 2 testified as follows: 3 EXAMINATION 4 BY MS. PFEIFFER: 5 Q. Good afternoon, Sergeant Beam. How are you? 6 A. I'm good. How are you? 7 Q. I'm good, thanks. I'm Sonya Pfeiffer, as 8 you heard. I represent Ray Kifer, Jr. 9 Have you ever had your deposition taken 10 before today, sir? 11 A. No. 12 Q. I just want to go over some ground rules 13 mostly for the sake of the court reporter. You and 14 I are being recorded, everything we say, by the 15 court reporter, she's writing it down. So the 16 first thing I'm going to try to do is not talk over 17 you when you're answering, and I'll ask that you 18 try to let me finish my question before you 19 respond, okay? 20 A. Okay. 21 Q. Next important rule is to verbalize your 22 answers. So instead of saying "uh-huh" or 23 "unh-unh" or shaking your head, make sure it's a 24 "yes" or a "no" so that she can take that down 25 because she can't really record what your -- what</p>	<p>1 A. No. 2 Q. Okay. And where are you right now? Where 3 are you located? 4 A. We are at the Anson County Sheriff's Office 5 courthouse. 6 Q. Okay. How did you prepare for today's 7 deposition? 8 A. Just met with my attorney this morning. 9 Q. Did you review any documents? 10 A. Just the -- the little questionnaire that we 11 sent in, whatever -- 12 MR. PERRIN: And so -- 13 THE DEPONENT: I can't remember what it 14 was called. 15 MR. PERRIN: -- just -- just -- I know 16 I'm not supposed to answer, but it was 17 interrogatory responses. 18 MS. PFEIFFER: Yeah. 19 THE DEPONENT: That's the word I was 20 looking for. 21 MS. PFEIFFER: Okay. I understand. 22 MR. PERRIN: I like questionnaire 23 better, actually. That -- that should be -- 24 MS. PFEIFFER: Yeah. 25 MR. PERRIN: That's a little clearer.</p>
Page 7	Page 9
<p>1 your response is if you're just nodding your head, 2 all right? 3 A. Okay. 4 Q. And are you taking any kind of medication or 5 have any condition that would impact your ability 6 to hear and understand what I'm asking? 7 A. No. 8 Q. Okay. If -- there might be a question I 9 ask, it's just a bad question, it doesn't make 10 sense, I stumble over my words, if that happens, 11 please just ask me to rephrase the question, okay? 12 A. Okay. 13 Q. If you don't ask me to rephrase the question 14 and you respond, I'm going to assume that you 15 understood the question and that your answer is 16 responsive to that, fair? 17 A. Fair enough. 18 Q. All right. And then if you want to take a 19 break, you're in control of the deposition. I just 20 ask if I'm in the middle of a question or you're in 21 the middle of an answer, we go ahead and finish 22 that before you take a break, okay? 23 A. Okay. 24 Q. All right. Is there anyone else in the room 25 with you other than Mr. Perrin today?</p>	<p>1 MS. PFEIFFER: Yeah, questionnaire. 2 Yeah, definitely. I understand. 3 BY MS. PFEIFFER: 4 Q. So, in other words, the responses that you 5 gave based on what we had asked your -- your -- 6 through your attorney, right, the 7 interrogatories -- 8 A. Yes. 9 Q. -- or requests for production? 10 Okay. Got you. 11 A. Yes. 12 Q. Have you talked to anybody other than 13 Mr. Perrin about today's deposition? 14 A. Not other -- other than just my family to 15 let them know I was doing it. 16 Q. Okay. Any details about the deposition with 17 your family? 18 A. No. 19 Q. And does your wife work for the sheriff's 20 department? Is she a dispatcher? 21 A. She was. She hasn't worked in several 22 years. 23 Q. Okay. Did you read any transcripts of 24 anyone's deposition already taken? 25 A. I didn't, but my attorney read some to me.</p>

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<p>1 MR. PERRIN: Oh --</p> <p>2 BY MS. PFEIFFER:</p> <p>3 Q. You don't need to -- you don't need to go</p> <p>4 into the details about what you and your attorney</p> <p>5 talked about.</p> <p>6 A. Oh, okay.</p> <p>7 Q. That -- yeah.</p> <p>8 And so anything you guys talked about or --</p> <p>9 or he, you know, specific worked with you about,</p> <p>10 that would be privileged. So...</p> <p>11 A. Okay.</p> <p>12 Q. Did you speak with any of the other</p> <p>13 defendants about their testimony in this case?</p> <p>14 A. No.</p> <p>15 Q. Did you talk with them at all about the case</p> <p>16 before your deposition today?</p> <p>17 A. Here and there over the last few months,</p> <p>18 yeah.</p> <p>19 Q. Okay. And what have you talked about here</p> <p>20 and there over the past few months?</p> <p>21 A. Just -- we would just have little</p> <p>22 conversations about how things went that day, just</p> <p>23 to kind of -- I would say just refreshing our</p> <p>24 memories and -- and stuff like that. It wasn't any</p> <p>25 detail, anything about questions that were asked or</p>	<p>1 A. No.</p> <p>2 Q. Okay. Do you remember some of the specific</p> <p>3 things that you talked about, some of the specific</p> <p>4 events or -- you know, you used the word "memory."</p> <p>5 Any memories, anything that stands out to you as</p> <p>6 important in those discussions?</p> <p>7 A. Nothing that stands out. Just I would -- I</p> <p>8 couldn't -- I -- the one thing I couldn't remember</p> <p>9 is at what point I called my brother on that day</p> <p>10 and when I sent him the picture. I couldn't</p> <p>11 remember if he asked for it or if it was just</p> <p>12 something I sent because I know there was a picture</p> <p>13 that I sent him.</p> <p>14 Q. What picture did you send him?</p> <p>15 A. It was a picture of the stuff -- of the</p> <p>16 narcotics that were located that day.</p> <p>17 Q. And when did you talk with him about not</p> <p>18 being able to remember that?</p> <p>19 A. I can't remember the exact day. It's</p> <p>20 been -- it's been a few weeks back.</p> <p>21 Q. Was he able to help you remember the</p> <p>22 sequence --</p> <p>23 A. He --</p> <p>24 Q. -- of events?</p> <p>25 A. He couldn't remember if he asked for it or</p>
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<p>1 anything like that.</p> <p>2 Q. And who were the people that you spoke with</p> <p>3 specifically?</p> <p>4 A. My brother, Josh Beam. Who else did I talk</p> <p>5 to? Jimmy Williams. That's basically the main</p> <p>6 two.</p> <p>7 Q. And what about David Spencer?</p> <p>8 A. I haven't talked to him about this case, no.</p> <p>9 Q. Okay. But when you talked with your brother</p> <p>10 Josh and with Jimmy Williams, you said sort of</p> <p>11 refreshing your memory?</p> <p>12 A. Yeah, just helping remember a few things.</p> <p>13 Q. Okay. So, in other words, you would talk</p> <p>14 with them and see what their memory was, and then</p> <p>15 they would talk with you and see what your memory</p> <p>16 was?</p> <p>17 A. Yeah, basically. I would try to remember</p> <p>18 things and then ask them if they -- if that</p> <p>19 sounded -- sounded right, and they would, you</p> <p>20 know...</p> <p>21 Q. So kind of like comparing memories?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. And was there anything that you had</p> <p>24 shared with them that they had a -- a different</p> <p>25 memory than you?</p>	<p>1 if I just sent it, either, that I -- that I recall.</p> <p>2 Q. Okay. Back in 2018, were you interviewed by</p> <p>3 Agent Blackman with the SBI?</p> <p>4 A. No.</p> <p>5 Q. Okay. Were you interviewed by anybody in</p> <p>6 Internal Affairs?</p> <p>7 A. No.</p> <p>8 Q. Okay. On the 7th of March, obviously that's</p> <p>9 the date we'll be talking a lot about, do you</p> <p>10 remember whether you had a call with Lieutenant</p> <p>11 Tice?</p> <p>12 A. No, I don't recall.</p> <p>13 Q. Okay. How about Lieutenant Little?</p> <p>14 A. No.</p> <p>15 Q. And as far as you remember, was there anyone</p> <p>16 who spoke to you and created a report of that</p> <p>17 conversation based on your actions that day?</p> <p>18 A. No.</p> <p>19 Q. So you don't recall any kind of follow-up</p> <p>20 with you after the --</p> <p>21 (Indiscernible crosstalk.)</p> <p>22 THE DEPONENT: Not with me, no.</p> <p>23 BY MS. PFEIFFER:</p> <p>24 Q. Okay.</p> <p>25 A. I'm sorry. I didn't mean to talk over you.</p>

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<p>1 Q. That's okay. But good catch. See, very 2 good. You listened at the front. 3 Let's just talk a little bit about some of 4 your education and training. I want to understand 5 a little bit about your background. 6 Where did you go to high school? 7 A. Anson High School. 8 Q. Okay. Any secondary education? 9 A. I tried to go to college, but I don't think 10 I finished the whole semester. 11 Q. And where did you go for a semester? 12 A. I went to Wingate University, but failed 13 out. And then I tried Richmond Community College 14 for a little bit and just quit. 15 Q. Where is Richmond Community College? 16 A. In Rockingham, North Carolina. 17 Q. Oh, got you. Okay. 18 And you just quit that, you said? 19 A. Yeah. 20 Q. Okay. How long were you enrolled at 21 Richmond? 22 A. Half a year. I don't know the months. 23 Q. Do you remember why it was, just decided to 24 drop out? 25 A. At the time, I was just done with school.</p>	<p>1 A. -- South Carolina before that. 2 Q. Warehouse work? 3 A. Yeah. 4 Q. Gotcha. Okay. What made you want to get 5 into law enforcement? 6 A. A whim. 7 Q. Okay. Well, looks like the whim lasted 8 awhile, right? 9 A. Yeah, it worked out. 10 Q. What -- when you say "a whim," I mean, was 11 there something about it that interested you, or... 12 A. I'd always been interested in it, but I 13 never thought it's what I wanted to do. And then I 14 just -- I was really between careers. I was 15 working down there, but I knew that it wasn't going 16 to be long-term. And I just got to talking about 17 the different options of what I could do and 18 being -- a couple weeks after I think me and my 19 brother and my momma had talked about what I was 20 going to do in my life, Wadesboro had an opening, 21 so I applied and they hired me. 22 Q. Okay. 23 A. Sent me to school. 24 Q. So you stayed there 2001 to 2015. And then 25 did you go to Anson directly from there or was</p>
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<p>1 School wasn't my favorite thing. 2 Q. I don't think you're alone, it's all right. 3 When did you start working at Anson County 4 Sheriff's Department? 5 A. The sheriff's office, in 2016. 6 Q. Okay. Did you work in law enforcement 7 before then? 8 A. Yes. 9 Q. Okay. Just sort of walk me through your law 10 enforcement employment history, then, if you would. 11 A. I worked at Wadesboro Police Department from 12 2001 until 2015. 13 Q. Oh, okay. So you were there a long time? 14 A. Yeah. 15 Q. Was that your first job out of -- after -- 16 so what year did you graduate high school? 17 A. '98, 1998. 18 Q. Okay. So was Wadesboro P.D., was that your 19 first job? 20 A. In law enforcement, yes. 21 Q. Gotcha. What did you do before that? 22 A. I was a -- I don't even know what the job 23 title was. I basically stacked boxes and stuff for 24 Walmart Distribution in Pageland -- 25 Q. Okay.</p>	<p>1 there someplace in between? 2 A. No, I went straight here. 3 Q. Okay. And when you started at Anson, in 4 what role did you begin? Was it as a -- as a 5 deputy? 6 A. Yeah, just a regular road deputy. 7 Q. And now you're a sergeant. Talk me through 8 the levels of promotion from deputy sergeant, or is 9 that the next jump? 10 A. When I came over to the sheriff's office, 11 that was the next jump. The previous 12 administration had had corporals, but Sheriff Reid 13 doesn't do corporals. It's patrol, then sergeant, 14 then you can move into detective or lieutenant or 15 just whatever's next. 16 Q. Okay. So when you came in Landric Reid was 17 already the sheriff? 18 A. Yes. 19 Q. Okay. And he already instituted let's do 20 away with this corporal, you go from deputy to 21 sergeant? 22 A. Yes. 23 Q. Okay. How long did it take you to become a 24 sergeant? 25 A. I think at the end of my first year, is when</p>

<p style="text-align: right;">Page 18</p> <p>1 I got promoted, but I had had supervisor experience</p> <p>2 at Wadesboro. I was a sergeant there when I left.</p> <p>3 Q. Okay. What did you have to do to get the</p> <p>4 promotion to sergeant at Anson County?</p> <p>5 A. There's really not a structured promotion --</p> <p>6 something happened with my screen. Can y'all hear</p> <p>7 me?</p> <p>8 Q. I can hear and see you, yeah. Can you hear</p> <p>9 and see us?</p> <p>10 A. Yeah. Something on my computer.</p> <p>11 MR. PERRIN: It just shrunk. I don't</p> <p>12 know, but we can see you.</p> <p>13 THE DEPONENT: I don't know.</p> <p>14 MS. PFEIFFER: Sean will be technical</p> <p>15 support for you there.</p> <p>16 MR. PERRIN: That -- that's -- I'm not</p> <p>17 a good technical support.</p> <p>18 MS. PFEIFFER: Can you see and hear us</p> <p>19 okay?</p> <p>20 THE DEPONENT: Yeah, I gotcha now.</p> <p>21 There's a little bit of a delay, but --</p> <p>22 MS. PFEIFFER: Okay.</p> <p>23 THE DEPONENT: -- I just wanted to make</p> <p>24 sure everybody was still on.</p> <p>25 MS. PFEIFFER: Yep. No. Thanks for</p>	<p style="text-align: right;">Page 20</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. Not before I started.</p> <p>4 Q. And just to -- to make sure everyone knows</p> <p>5 what we're talking about and for the sake of the</p> <p>6 court -- court reporter, when we say "BLET," we're</p> <p>7 talking about Basic Law Enforcement Training,</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And -- and those are those -- those</p> <p>11 big black binders. They've got like the State of</p> <p>12 North Carolina in gold on the front, right? We're</p> <p>13 talking about the same thing, right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Yeah.</p> <p>17 Q. Do you have your own set of those binders?</p> <p>18 A. They're somewhere. I don't -- that was 21</p> <p>19 years ago. I don't know --</p> <p>20 Q. Do you --</p> <p>21 A. -- where they would be.</p> <p>22 Q. Do you still get the updates to them, or did</p> <p>23 those kind of get shelved after you finished BLET?</p> <p>24 A. They just kind of got shelved after I got</p> <p>25 finished.</p>
<p style="text-align: right;">Page 19</p> <p>1 that.</p> <p>2 BY MS. PFEIFFER:</p> <p>3 Q. Okay. So I was asking about your -- what</p> <p>4 you had to do to -- to -- to go from deputy to</p> <p>5 sergeant.</p> <p>6 A. Being a smaller agency, we really don't have</p> <p>7 a structured promotion plan. It's pretty much who</p> <p>8 the sheriff and his administration assigns to the</p> <p>9 position.</p> <p>10 Q. Do you remember why it was that Sheriff Reid</p> <p>11 advanced you to sergeant, what his reasoning was at</p> <p>12 that time?</p> <p>13 A. He -- because at the time he told me I had</p> <p>14 the most experience, supervisory experience. It</p> <p>15 was a pretty young department career-wise,</p> <p>16 experience-wise.</p> <p>17 Q. Got it.</p> <p>18 And you said when you went over to</p> <p>19 Wadesboro, they sent you to school. Let's talk</p> <p>20 about your training to be a law enforcement</p> <p>21 officer.</p> <p>22 Did you take the BLET?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Any other training in addition to</p> <p>25 BLET before you started at Wadesboro?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. But fair to say that -- that BLET,</p> <p>2 the Basic Law Enforcement Training, those manuals,</p> <p>3 what those contain is -- they're like -- they're</p> <p>4 the basics. They're sort of the minimum a person</p> <p>5 needs to know and understand in order to be a law</p> <p>6 enforcement officer, right?</p> <p>7 A. Correct.</p> <p>8 Q. And then if you wanted, you could take</p> <p>9 further advanced training in-service, that type of</p> <p>10 thing?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So I -- I want to understand a little</p> <p>13 bit about your role in 2018, in March of 2018,</p> <p>14 and -- and your responsibilities.</p> <p>15 So by that time, you were a sergeant, right?</p> <p>16 A. Yes.</p> <p>17 Q. And I understand you were a part of what</p> <p>18 some people have referred to as A squad.</p> <p>19 Did you call it A squad?</p> <p>20 A. I really don't know what the squad numbers</p> <p>21 are. I don't go by that.</p> <p>22 Q. How -- what -- what do you refer to the</p> <p>23 units as?</p> <p>24 A. Just the shift.</p> <p>25 Q. Okay, the shift. So, in March of 2018, what</p>



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<p>1 shift were you on?</p> <p>2 A. On that day, I was working with the shift</p> <p>3 that consisted of myself, David Spencer, David</p> <p>4 Burroughs, and Darius Ellison.</p> <p>5 Q. Okay. Was that your normal shift? Was that</p> <p>6 group your normal shift?</p> <p>7 A. No.</p> <p>8 Q. Okay. What was your normal shift in 2018?</p> <p>9 Because I understand, just -- just to be clear,</p> <p>10 Sergeant Willoughby would normally be in charge of</p> <p>11 that shift, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And he happened to be out on March 7th,</p> <p>14 2018?</p> <p>15 A. We had switched; he worked night shift and I</p> <p>16 worked day shift that week.</p> <p>17 Q. Okay. So who was on your normal shift?</p> <p>18 A. I believe at the time I had Scott Gullledge,</p> <p>19 Weston Kelly, and maybe Mike Helms was working at</p> <p>20 the time.</p> <p>21 Q. And were those three guys all deputies?</p> <p>22 A. Yes.</p> <p>23 Q. And so they were below rank?</p> <p>24 A. Yes.</p> <p>25 Q. You were in charge of -- of those guys?</p>	<p>1 fall in the rank?</p> <p>2 A. They -- just under investigations. They</p> <p>3 have a major and a lieutenant and a sergeant in</p> <p>4 their -- their division over them.</p> <p>5 Q. So was it the same way in 2018, what you</p> <p>6 just described? Was that the same --</p> <p>7 A. I don't think the majors had been promoted</p> <p>8 yet. They were just captains. But basically the</p> <p>9 same.</p> <p>10 Q. Okay. So if I understand the way detectives</p> <p>11 operated, then, it's maybe -- is it similar to a</p> <p>12 deputy? You would have detectives in a unit, and</p> <p>13 then over those detectives you'd have a major or a</p> <p>14 lieutenant or a sergeant, is that --</p> <p>15 A. Yes.</p> <p>16 Q. -- is -- okay. I got it. Thank you for</p> <p>17 that.</p> <p>18 In terms of the units that involved deputies</p> <p>19 and at the time in 2018, I guess, there would be</p> <p>20 also a corporal, because David Burroughs was a</p> <p>21 corporal, right?</p> <p>22 A. Yeah. There were a few corporals leftover</p> <p>23 from the previous sheriff, and the sheriff just</p> <p>24 kept them until they phased out or whatever.</p> <p>25 Q. So if there was a leftover who was a</p>
Page 23	Page 25
<p>1 A. Yes.</p> <p>2 Q. And then when you switched with Willoughby</p> <p>3 and you were in charge of the other unit which</p> <p>4 consisted of Burroughs, Spencer, and I think it was</p> <p>5 Darius Ellison; does that sound right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So you were, then, in charge of those</p> <p>8 guys?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. We were talking earlier about the</p> <p>11 ranks and I -- I -- I wanted to understand the</p> <p>12 ranks and -- and you help me get where corporal</p> <p>13 fell in because I wasn't sure about that.</p> <p>14 What is the order of rank starting with</p> <p>15 sheriff? And just, I don't mean people; I just</p> <p>16 mean the titles. I want to understand, like, is it</p> <p>17 captain? Is it chief? Is it captain? Like, just</p> <p>18 run me through those ranks, if you would.</p> <p>19 A. The way we are structured now we have the</p> <p>20 sheriff, we have the chief deputy, we have two</p> <p>21 majors, we have different lieutenants over</p> <p>22 different divisions, and then after that it falls</p> <p>23 to sergeant, and then deputy. And there's</p> <p>24 detectives, but they're a different division.</p> <p>25 Q. I was going to ask you, where do detectives</p>	<p>1 corporal, would that person still have</p> <p>2 rank above --</p> <p>3 A. Yes.</p> <p>4 Q. -- a deputy?</p> <p>5 So you'd still have to abide by that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Does -- so a deputy would always</p> <p>8 answer to a corporal, right?</p> <p>9 A. Yes.</p> <p>10 Q. And then a corporal would answer to a</p> <p>11 sergeant?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And then when you were, like, in the</p> <p>14 context of a unit, right, for instance, when you</p> <p>15 were working with that -- that shift, we'll call it</p> <p>16 a shift, that's how it would work, deputy, corporal</p> <p>17 sergeant.</p> <p>18 Would -- would that be the same order of</p> <p>19 command if you were working outside of your normal</p> <p>20 shift? I mean, like, when you come in and you're</p> <p>21 the sergeant, those deputies, those corporals, they</p> <p>22 still answer to you, right?</p> <p>23 A. Yes.</p> <p>24 Q. What about in the context of a -- a</p> <p>25 different assignment or a different job? So if --</p>

<p style="text-align: right;">Page 26</p> <p>1 if one of your deputies was working in another</p> <p>2 division, maybe the child support office, and he's</p> <p>3 a deputy and there's a sergeant there, would you</p> <p>4 expect that your deputy would answer to that</p> <p>5 sergeant even though he's out of his normal shift?</p> <p>6 A. To a certain extent, yes. A sergeant is</p> <p>7 still a higher rank. But they usually wouldn't</p> <p>8 directly order people around unless it was</p> <p>9 necessary.</p> <p>10 Q. Right. Would a deputy -- generally</p> <p>11 speaking, if a deputy's in that circumstance and</p> <p>12 there's a sergeant who isn't his or her shift</p> <p>13 sergeant, would they still sort of check in with</p> <p>14 that person, say if they were going to leave the</p> <p>15 job they were doing, or would they--</p> <p>16 A. Yes.</p> <p>17 Q. I'm sorry. Go ahead.</p> <p>18 A. I'm sorry, yes.</p> <p>19 Q. If -- if that deputy had some concern about</p> <p>20 any type of situation that arose that was new or</p> <p>21 raised a red flag, and that deputy were with a -- a</p> <p>22 sergeant that wasn't the shift sergeant, would you</p> <p>23 expect that that deputy would still go to the</p> <p>24 sergeant who was nearby?</p> <p>25 A. If -- yes, if necessary, yeah.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Friendly. Everybody gets along pretty good.</p> <p>2 Q. How about your relationship with David Scott</p> <p>3 Burroughs, in particular, back in 2018? How would</p> <p>4 you describe your relationship with him?</p> <p>5 A. We were friendly. We were acquaintances.</p> <p>6 We didn't hang out or anything, but...</p> <p>7 Q. Was he -- was he somebody you would talk or</p> <p>8 text with regularly?</p> <p>9 A. From time to time if we needed it; but, no,</p> <p>10 we didn't make a habit of just chatting on the</p> <p>11 phone all the time.</p> <p>12 Q. Uh-huh. And how about socializing outside</p> <p>13 of work? Did you ever socialize with him outside</p> <p>14 of work?</p> <p>15 A. I can't recall a time that I ever did, no.</p> <p>16 Q. What about anybody else within the</p> <p>17 department? Anyone else you socialized with?</p> <p>18 A. Who, me?</p> <p>19 Q. Yes.</p> <p>20 A. I've had different friends from time to</p> <p>21 time, but I'm really not a big</p> <p>22 get-out-and-do-stuff-type person.</p> <p>23 Q. Who --</p> <p>24 A. I stick close to my family most of the time.</p> <p>25 Q. Okay. Now, I just want to ask about the</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. So, in other words, you're a deputy, there's</p> <p>2 a sergeant there with you, you should consider that</p> <p>3 person as a resource and as your senior, right?</p> <p>4 A. Yes.</p> <p>5 Q. And -- and the point of that, generally, I</p> <p>6 mean, you mentioned that you became a sergeant</p> <p>7 because you had more experience, right?</p> <p>8 A. Yes.</p> <p>9 Q. And you want the more experienced officers</p> <p>10 guiding officers who don't have as much experience,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. The shift that you were working back on</p> <p>14 March 7th with Burroughs and Spencer and -- and</p> <p>15 Darius Ellison, did you have a relationship with</p> <p>16 them, generally speaking?</p> <p>17 A. I mean, we all know each other, yeah.</p> <p>18 Q. Is it fair to say that the office is not a</p> <p>19 huge office?</p> <p>20 A. No, it's a very small department.</p> <p>21 Q. Yeah. How would you describe the general</p> <p>22 relationship among the deputies and sergeants? I</p> <p>23 mean, we've been talking about rank. But -- so</p> <p>24 just setting that aside, how would you describe</p> <p>25 everybody's relationship with each other?</p>	<p style="text-align: right;">Page 29</p> <p>1 other guys on A squad just because, obviously,</p> <p>2 that -- we'll be focusing on -- on your role with</p> <p>3 them in March of 2018.</p> <p>4 What about David Spencer? How would you</p> <p>5 describe your relationship with him back in 2018?</p> <p>6 A. We -- we got along. I was -- he was on the</p> <p>7 same shift as me before I got promoted and we knew</p> <p>8 each other.</p> <p>9 Q. Any social interaction with him?</p> <p>10 A. Not really. There may have been a few</p> <p>11 get-togethers or something that we went to at the</p> <p>12 same time, but not really.</p> <p>13 Q. Okay. How about Darius Ellison? What --</p> <p>14 what was your relationship with him?</p> <p>15 A. We were friendly. Again, he was on the</p> <p>16 shift I left to become a sergeant at the time; so,</p> <p>17 you know, we got along.</p> <p>18 Q. Any socializing with him outside of the</p> <p>19 office?</p> <p>20 A. Seems like we played golf maybe one time</p> <p>21 before I left the shift, but after I went to</p> <p>22 sergeant I really didn't hang out with him that</p> <p>23 much.</p> <p>24 Q. Why is that?</p> <p>25 A. Just we didn't see each other a lot, working</p>



<p style="text-align: right;">Page 30</p> <p>1 different shifts. He'd be on days, I'd be on 2 nights, and we just didn't. Like I said, there's 3 not a lot I do that doesn't involve my kids and my 4 wife anymore, so...</p> <p>5 Q. How would you describe the relationship 6 among the units themselves? So, for instance, the 7 relationship between and among David Burroughs and 8 David Spencer and Darius Ellison since they were 9 working together, how would you describe that?</p> <p>10 A. I -- I do seem to recall that Darius and 11 David Burroughs were real close. I don't know 12 where David Spencer fit in with them at the time.</p> <p>13 Q. What about the other shifts? Were -- was 14 there also a sense of any closeness, whether it was 15 between a couple or -- or two or three of the 16 people on other shifts? Did they just develop a 17 relationship because of the -- the working 18 together?</p> <p>19 A. As far as the other rotation, I really can't 20 speak on them because we don't see them at all. 21 They work the days we're off, so there's really not 22 a lot of interaction on the other squads.</p> <p>23 Q. What about your squad? What about your 24 shift, the guys that you mentioned? Let's see if 25 I've got their names here. You mentioned Weston;</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Josh.</p> <p>2 A. Here in the last week, he has been moved to 3 the admin lieutenant over equipment and courthouse 4 and stuff like that. So he's no longer detective.</p> <p>5 Q. And what brought about that change?</p> <p>6 A. I don't know. You would have to ask the 7 sheriff.</p> <p>8 Q. As far as you know, is he happy about that?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Let's talk a little bit about David 11 Burroughs and Lela Vang. Names I'm sure you're 12 familiar with by now, right?</p> <p>13 A. Yeah, I've heard it.</p> <p>14 Q. So it's my understanding that it was no 15 secret at Anson County that David Burroughs was 16 dating Lela Vang. Is that a fair statement?</p> <p>17 A. Yes.</p> <p>18 Q. Did you have any interaction with Lela at 19 all? I mean, did you ever see her at a lunch with 20 the guys, ever outside of the office? Did you have 21 any interaction with her at all before March of 22 2018?</p> <p>23 A. If I did, it was to the point where I don't 24 recall it.</p> <p>25 Q. Did you have any interaction with Lela and</p>
<p style="text-align: right;">Page 31</p> <p>1 is that right? Here we go. Scott Gullledge, Weston 2 Kelly, Mike Helms. What about those guys? That 3 was your unit, right?</p> <p>4 A. Yes.</p> <p>5 Q. What about their relationship?</p> <p>6 A. We got along okay. We weren't together 7 long. Some people moved around after that. My 8 shift -- over the years, with turnover, my shift 9 changed so many times, I can't -- don't remember 10 who worked for me, when they worked for me.</p> <p>11 Q. Got it. Okay. What about your relationship 12 with Jimmy Williams? How would you describe that?</p> <p>13 A. I've known Jimmy -- me and Jimmy went to 14 BLET together.</p> <p>15 Q. Okay.</p> <p>16 A. I've known him forever. But we -- outside 17 of work, we really never hung out.</p> <p>18 Q. And then Josh Beam is your brother?</p> <p>19 A. Yeah.</p> <p>20 Q. Should I ask you how your relationship with 21 your brother is?</p> <p>22 A. That's a good one.</p> <p>23 Q. Okay, good. What is his role now within 24 Anson? Is he still a detective?</p> <p>25 A. Josh's role?</p>	<p style="text-align: right;">Page 33</p> <p>1 David Burroughs when they were together?</p> <p>2 A. I -- I honestly don't -- don't remember if I 3 did.</p> <p>4 Q. What do you remember about David Burroughs 5 and Lela Vang's breakup? What do you remember 6 about either when you learned it or what you heard 7 about it?</p> <p>8 A. I -- I don't think I even heard about it 9 before the date in question. I didn't know that 10 they had split up at that time.</p> <p>11 Q. When you say "the date in question," we're 12 talking about March 7th, 2018, right?</p> <p>13 A. Yes.</p> <p>14 Q. What did you learn on March 7th, 2018 about 15 the relationship?</p> <p>16 A. Just that they had broken up and that the 17 gentleman that he had given the tip on was 18 supposedly her ex-boyfriend -- or her current 19 boyfriend. I'm sorry.</p> <p>20 Q. And do you remember where you learned that 21 information?</p> <p>22 A. I remember that that morning David Burroughs 23 himself called me to meet with me, and he told me 24 that -- well, first when he -- when he called me, 25 we met up and he asked me if I had known anything</p>

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<p>1 about the guy that was supposedly bringing drugs 2 into the county, and I told him no. Then he gave 3 me a rundown saying that he had received tips from 4 some people that this guy was bringing drugs 5 into -- into the county and he was trying to get it 6 stopped, that it was -- he told me that it was her 7 family that had given him the tip because they were 8 concerned about her new relationship. 9 Q. And you said the morning of. You're talking 10 about March 7th, 2018? 11 A. Yes. 12 Q. And you said Burroughs called you? 13 A. Yes. 14 Q. Did you remember what time in the morning? 15 A. I do not recall. 16 Q. Where were you when he called? 17 A. I really don't remember. I was riding 18 around in my patrol car. 19 Q. So you were on shift? 20 A. Yes. 21 Q. And what do you remember about how you 22 responded to that call from David Burroughs? 23 A. When he gave me the information, I told him 24 that, you know, if we get a chance, we might ride 25 up that way and see if we can see anything, but I</p>	<p>1 Q. You didn't know him to do any big drug 2 busts, right? 3 A. Not that I recall, no. 4 Q. You knew he wasn't a member of the narcotics 5 unit, correct? 6 A. Correct. 7 Q. I mean, your brother was in the narcotics 8 department at the time, right? 9 A. It's a two-man unit, but, yeah, he was in 10 it. 11 Q. Right. So there were only two people in 12 that unit: your brother and Jimmy Williams? 13 A. Yes. 14 Q. So you didn't find it unusual that David 15 Burroughs had a tip about what actually was a lot 16 of drugs in the back of somebody's car? You 17 thought that was a normal everyday tip that 18 everybody gets in Anson County? 19 MR. PERRIN: Object. Asked and 20 answered. 21 You can answer. Go ahead and answer. 22 BY MS. PFEIFFER: 23 Q. You can answer. 24 A. Say it one more time, I'm sorry. 25 Q. You didn't find it surprising that David</p>
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<p>1 really didn't, at the time, put a lot of stock into 2 it because it was so far up on the north end of the 3 county, and I knew I wasn't going to be able to get 4 up there. 5 Q. Was he on shift that day? 6 A. Yes. 7 Q. And he was calling you while he was also on 8 shift? 9 A. Yes. 10 Q. Did it surprise you that he was calling with 11 a tip about drugs in a car? 12 A. No. 13 Q. Why not? 14 A. That's not uncommon in a small community 15 like this. We get a million tips a day sometimes 16 from just random people. 17 Q. How frequently would David Burroughs have 18 tips about drugs in somebody's car? 19 A. That would be the first one I knew because, 20 like I said, I didn't work with him very long 21 before I moved over and then just working with him 22 on that day. 23 Q. So you didn't know him to have any 24 confidential informants? 25 A. Not that I knew of.</p>	<p>1 Burroughs had this tip about what was a lot of 2 drugs in the back of somebody's car, despite him 3 never having a confidential informant, never 4 working with the investigative unit, and you never 5 knowing him to be involved with drug 6 investigations? It didn't surprise you? 7 A. No. 8 Q. But you -- as you said, you don't know him 9 to have ever been involved in a drug bust or a drug 10 investigation, right? 11 A. Not that I know of. 12 Q. When he was a patrol officer, right? He was 13 a patrol deputy? 14 A. Yes. 15 Q. And, you know, we talked about BLET earlier. 16 And one of the things that you learn in BLT -- BLET 17 is that patrol officers, they're limited, right, by 18 certain factors that are out of their control, I 19 mean, lack of manpower, other calls for service, 20 and generally, therefore, they're not running big 21 drug investigations, right? 22 A. Not extensive drug investigations, no. 23 Q. Anytime there is one, that would be with the 24 drug unit, right? 25 A. Not always. Patrol can work drugs. We've</p>

<p style="text-align: right;">Page 38</p> <p>1 worked them before. I've made several drug arrests 2 in my career. 3 Q. But those are usually tied to pulling 4 somebody over in a traffic stop, right? 5 A. Yeah, but tips can lead to traffic stops. 6 They do all the time. 7 Q. But if you're a patrol officer and you get a 8 tip about a big drug bust, one of the first things 9 that you learn in BLET is that that goes to the 10 drug unit, right? 11 A. Not necessarily. Small department. We -- 12 we are jack-of-all-trades sometimes. 13 Q. But you took BLET, right? 14 A. Yep. 15 Q. BLET applies to all departments, right? 16 A. It's a basic standard set by the State. 17 Different departments do things a little bit 18 different. 19 Q. Well, if there's a department that's not 20 abiding by the Basic Law Enforcement Training 21 manual, they're not abiding by the rules that apply 22 to the entire state; isn't that right? 23 A. No. Basic law enforcement is just that. 24 It's basic. It's basic training. You're going to 25 learn other stuff as you get out on the road.</p>	<p style="text-align: right;">Page 40</p> <p>1 Each department sets their owns policies and 2 procedures and standards that they go by. 3 Due to manpower issues and not always having 4 the narcotics unit and time that you need to do 5 things, you know, road officers can make drug 6 arrests based on tips if it leads that direction. 7 Q. All right. I'm going to go ahead and share 8 my screen here. Can you see what's up here on my 9 screen? Can you see this? 10 A. Yes. 11 Q. So the heading is "Controlled Substances, 12 Basic Law Enforcement Training, Student Manual," 13 and I'll represent to you this is from the 2008 14 manual and has been updated as recently as 2021. 15 All right? 16 A. Uh-huh. 17 Q. And this is controlled substances. And 18 right here, Number 4, I'll read it along. You let 19 me know if I read it correctly. "Patrol response 20 versus a narcotics unit referral. Patrol officers 21 attempting prolonged controlled substance act 22 violations are limited by certain factors which are 23 out of their control." 24 This is what you were just talking about, 25 right?</p>
<p style="text-align: right;">Page 39</p> <p>1 There's other stuff that's done. We are sworn law 2 enforcement officers. We have the authority to 3 enforce all the laws of the State of North 4 Carolina. That's taught in BLET, too. 5 Q. Yeah, I understand that, but we talked 6 earlier about the basics of BLET, which is what you 7 have to know in order to be a police officer, 8 right? 9 A. Yes. 10 Q. Okay. And your testimony is that smaller 11 departments can do whatever they want even if it's 12 not what they're taught in BLET; is that your 13 testimony? 14 MR. PERRIN: Object. 15 You can answer the question. 16 THE DEPONENT: No, that's not my 17 testimony. 18 BY MS. PFEIFFER: 19 Q. Okay. Explain to me what you mean, then, 20 when you said that despite what BLET says you're 21 supposed to do, it's okay for you to do it 22 differently. 23 A. Basic law enforcement is teaching tactics 24 and guidelines. It's not law; it's not standard. 25 It's just a basic operation of law enforcement.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Yes. 2 Q. "Lack of manpower," "Other calls for 3 service," "Lack of equipment," "Limited time." 4 Those things are all true, right? 5 A. Yes. 6 Q. Okay. And then it says, "As a result of 7 these limitations, it becomes necessary to refer 8 cases to the units that are designed for the 9 specific purpose of narcotics investigation. Such 10 units include," and the first one says, 11 "departmental drug units/detectives." 12 Did I read that right? 13 A. Yes. 14 Q. On March 7th, 2018, Anson County had a 15 departmental drug unit, correct? 16 A. Say it again. 17 Q. On March 7th, 2018, Anson County had a 18 departmental drug unit, correct? 19 A. Yes. 20 Q. And it had two detectives in that unit, 21 Jimmy Williams and Josh Beam, your brother, 22 correct? 23 A. Yes. 24 Q. Okay. Is your testimony that this Basic Law 25 Enforcement Training document does not apply to</p>

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<p>1 Anson County in the context of drug investigations?</p> <p>2 A. I'm sorry. I'm just reading this one more</p> <p>3 time.</p> <p>4 Like I said, this is just guidelines. I</p> <p>5 mean, patrol units can do drugs. We always have.</p> <p>6 I don't know where you're going with this because</p> <p>7 I'm a little confused. This doesn't say we are</p> <p>8 required to contact drug units. It says it may</p> <p>9 become nec- -- or it is necessary to refer cases</p> <p>10 based on those things. But at the time, we weren't</p> <p>11 overly pounded with calls; we didn't have a high</p> <p>12 call volume on that day.</p> <p>13 Q. I'll repeat my question. My question was:</p> <p>14 Is it your testimony that this page from the Basic</p> <p>15 Law Enforcement Training manual does not apply to</p> <p>16 Anson County? Is that your testimony?</p> <p>17 A. It applies to all law enforcement.</p> <p>18 Q. All right. I'm going to go ahead and mark</p> <p>19 that as Exhibit 14, I believe that's what we're on.</p> <p>20 MS. PFEIFFER: Suzette, can you correct</p> <p>21 me if I'm wrong?</p> <p>22 MS. WOOLSEY: You're correct. 14.</p> <p>23 MS. PFEIFFER: All right. Thank you.</p> <p>24 Who else is surprised?</p> <p>25 (EXHIBIT 14, BLET Controlled Substances</p>	<p>1 A. Yeah.</p> <p>2 Q. And that's because it takes time to develop</p> <p>3 a confidential informant, right?</p> <p>4 A. Yes.</p> <p>5 Q. You need to trust them?</p> <p>6 A. Yeah.</p> <p>7 Q. And you need to build that relationship over</p> <p>8 time, correct?</p> <p>9 A. Yeah.</p> <p>10 Q. Let's talk specifically about March 7th,</p> <p>11 2018. We talked about this earlier, that you</p> <p>12 didn't give any interviews to anybody that day,</p> <p>13 whether it was SBI later or Internal Affairs. No</p> <p>14 one talked to you about your role at all in the</p> <p>15 stop, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And just to be clear on what it means</p> <p>18 to be in charge of a unit, so Willoughby's out;</p> <p>19 you're the sergeant in charge. What does that</p> <p>20 mean? Like, what are your duties when you're the</p> <p>21 sergeant in charge of a shift?</p> <p>22 A. Just to make sure that everybody's doing</p> <p>23 their job, like serving papers and -- and answering</p> <p>24 their calls and answer any questions they may have</p> <p>25 as they do stuff, read reports, review reports.</p>
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<p>1 Page 46, was marked for</p> <p>2 identification.)</p> <p>3 BY MS. PFEIFFER:</p> <p>4 Q. Did you ever do any detailed drug-related</p> <p>5 investigations with the narcotics unit?</p> <p>6 A. No.</p> <p>7 Q. Did you have any confidential informants</p> <p>8 back in 2018?</p> <p>9 A. I've never had a confidential informant.</p> <p>10 Q. And you're a sergeant, right?</p> <p>11 A. Yep.</p> <p>12 Q. Were you aware of any confidential</p> <p>13 informants who had been developed by anyone on that</p> <p>14 shift that they call A squad other than David</p> <p>15 Burroughs alleging to have one?</p> <p>16 A. No.</p> <p>17 Q. Well, one of the other things you learn in</p> <p>18 BLET, of course, is that informant development and</p> <p>19 use is meant to be employed by experienced officers</p> <p>20 who have advanced training, right?</p> <p>21 A. Yes.</p> <p>22 Q. And that, of course, is consistent with your</p> <p>23 brother's work in the narcotics unit, right? I</p> <p>24 mean, you knew that that was part of his job,</p> <p>25 right?</p>	<p>1 Just basically take the daily function of the shift</p> <p>2 and just keep it moving.</p> <p>3 Q. And how do you do that? How do you -- how</p> <p>4 do you keep it moving to make sure people are doing</p> <p>5 what they're supposed to do?</p> <p>6 A. Really around here, I just wait until</p> <p>7 somebody has an issue. Or if there's something</p> <p>8 that needs to be done, I call the person that needs</p> <p>9 to do it and make sure they're doing what they're</p> <p>10 supposed to do.</p> <p>11 Q. Do you recall sort of what your activities</p> <p>12 were that day? Like, were you out patrolling?</p> <p>13 Were you in the office? What did you do on March</p> <p>14 7th?</p> <p>15 A. I remember being out on patrol most of the</p> <p>16 day.</p> <p>17 Q. And is that normally what a sergeant would</p> <p>18 do? Like if you're on that shift, are you expected</p> <p>19 to also be patrolling?</p> <p>20 A. Yes.</p> <p>21 Q. So it's not like it's an office job?</p> <p>22 A. No.</p> <p>23 Q. Who would be -- who would have sort of the</p> <p>24 office job? Would that be a lieutenant who would</p> <p>25 be back at the sheriff's office if something</p>

<p style="text-align: right;">Page 46</p> <p>1 happened and you needed to reach him?</p> <p>2 A. Yes.</p> <p>3 Q. So even though you're in charge, you're</p> <p>4 still sort of considered one of that team out</p> <p>5 patrolling, just actively aware of what's happening</p> <p>6 in whatever section you're assigned to?</p> <p>7 A. Yes.</p> <p>8 Q. As the sergeant, are you expected to go from</p> <p>9 zone to zone?</p> <p>10 A. If needed, yes.</p> <p>11 Q. Okay. I am going to share my screen again,</p> <p>12 and I'm going to mark as Exhibit 15 your responses</p> <p>13 to our interrogatories.</p> <p>14 MS. PFEIFFER: Sean, do you have those</p> <p>15 there?</p> <p>16 MR. PERRIN: I do.</p> <p>17 MS. PFEIFFER: Okay. All right. So</p> <p>18 this will be 15. Let me pull these up.</p> <p>19 BY MS. PFEIFFER:</p> <p>20 Q. And you're welcome to look at what your</p> <p>21 attorney has there rather than looking on the</p> <p>22 screen. I'm just going to call these up on the</p> <p>23 screen so that we are all looking at the same</p> <p>24 thing. Hang on a quick sec. Do this.</p> <p>25 (EXHIBIT 15, K. Beam Answers to</p>	<p style="text-align: right;">Page 48</p> <p>1 So you refer to this -- you see where I am</p> <p>2 here? "RESPONSE: David Spencer contacted me and</p> <p>3 told me that he stopped a car for a traffic</p> <p>4 violation."</p> <p>5 You see that there?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you remember about what time you</p> <p>8 got that phone from David Spencer?</p> <p>9 A. I do not recall.</p> <p>10 Q. Morning? Afternoon?</p> <p>11 A. It may have been midday, sometime in there.</p> <p>12 I'm not sure.</p> <p>13 Q. Okay. What did he tell you about the</p> <p>14 traffic violation?</p> <p>15 A. I don't recall exactly. He believe he said</p> <p>16 he may have got him for crossing the center line,</p> <p>17 but I'm not -- I'm not 100 percent sure what he</p> <p>18 said.</p> <p>19 Q. And then you write, "Spencer also informed</p> <p>20 me that Corporal David Burroughs informed him that</p> <p>21 the car contained narcotics," and "I told Spencer I</p> <p>22 would come to the scene."</p> <p>23 That's what it says, right?</p> <p>24 A. Yes.</p> <p>25 Q. Now, as I understand from your earlier</p>
<p style="text-align: right;">Page 47</p> <p>1 Interrogatories, was marked for</p> <p>2 identification.)</p> <p>3 BY MS. PFEIFFER:</p> <p>4 Q. Okay. Can you see what's up on my screen?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Just want to make sure we're</p> <p>7 looking at the same thing. The title is "Defendant</p> <p>8 Kyle Beam's Responses to Plaintiff's</p> <p>9 Interrogatories." You have that in front of you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay, great. Now, on the back page of that</p> <p>12 is your signature, all the way back on Page 7.</p> <p>13 I'll scroll down here, make sure we're all looking</p> <p>14 at the same thing here. Right there?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And you answered these back in</p> <p>17 November of last year. And were you with your</p> <p>18 attorney when you did that?</p> <p>19 A. Yes.</p> <p>20 Q. And you understood by signing this</p> <p>21 Verification that you were effectively swearing</p> <p>22 that everything in here was true?</p> <p>23 A. To the best of my knowledge, yes.</p> <p>24 Q. Okay. I want to scroll down to your</p> <p>25 response to Number 1. It will be on Page 2.</p>	<p style="text-align: right;">Page 49</p> <p>1 testimony, you had had a conversation hours before</p> <p>2 with Corporal Burroughs about a potential drug</p> <p>3 courier going through Anson County, right?</p> <p>4 A. Yes.</p> <p>5 Q. So when David Spencer called you and said</p> <p>6 Corporal David Burroughs informed him the car</p> <p>7 contained narcotics, did you recognize this was the</p> <p>8 same tip that Burroughs gave you earlier in the</p> <p>9 day?</p> <p>10 A. Yes.</p> <p>11 Q. And what did Spencer say to you about who</p> <p>12 was in the car?</p> <p>13 A. I don't believe he gave me the name of the</p> <p>14 person at the time. He just said that there was a</p> <p>15 single driver. I don't remember much about it at</p> <p>16 that point.</p> <p>17 Q. But you knew from Burroughs that this was</p> <p>18 going to be Lela's boyfriend, right?</p> <p>19 A. Yes.</p> <p>20 Q. And did anything about this call from David</p> <p>21 Spencer give you pause?</p> <p>22 A. Not -- not really. Not the call from David</p> <p>23 Spencer. Just -- I mean, like I said, it's not</p> <p>24 uncommon for family members of family members to</p> <p>25 call us and -- and report stuff that they want us</p>



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<p>1 to look into.</p> <p>2 Q. Well, you knew by this point in time that</p> <p>3 David Burroughs was very unhappy about the breakup</p> <p>4 with Lela Vang, right?</p> <p>5 A. I did not.</p> <p>6 Q. Well, earlier you testified that everybody</p> <p>7 was aware of the relationship between David</p> <p>8 Burroughs and Lela Vang in the office, right?</p> <p>9 A. Yeah.</p> <p>10 Q. And you get a call from David Burroughs</p> <p>11 alleging that Lela Vang's family is concerned that</p> <p>12 her new boyfriend has drugs in the trunk, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So you knew, therefore, that the</p> <p>15 person in the car was Lela Vang's boyfriend, right?</p> <p>16 A. Yes.</p> <p>17 Q. So did that give you pause when David</p> <p>18 Burroughs called and gave you this information?</p> <p>19 MR. PERRIN: Object. Asked and</p> <p>20 answered.</p> <p>21 You can answer.</p> <p>22 THE DEPONENT: Again, not really,</p> <p>23 because it's not unusual for us to receive</p> <p>24 tips from family members and -- and stuff</p> <p>25 like that who are not comfortable calling</p>	<p>1 violation but, instead, there's a personal</p> <p>2 vendetta?</p> <p>3 A. I don't know of any.</p> <p>4 Q. When Spencer called you, had he already</p> <p>5 written the citation, do you know?</p> <p>6 A. I don't -- I don't know.</p> <p>7 Q. Are you aware that he wrote a citation?</p> <p>8 A. I found out after everything was said and</p> <p>9 done.</p> <p>10 Q. You're familiar with citation writing,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. I'm just going to stop my share for just a</p> <p>14 minute here.</p> <p>15 You know, again, that's something that you</p> <p>16 learn about in BLEET, isn't it, citation writing?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. I mean, they have a whole chapter on</p> <p>19 techniques of traffic in law enforcement, right?</p> <p>20 A. Yep.</p> <p>21 Q. Now, earlier you said that you don't learn</p> <p>22 anything about law or the Constitution at BLEET, but</p> <p>23 that's not quite true, is it?</p> <p>24 A. I don't believe that's what I said.</p> <p>25 Q. Well, if that's what I understood you to</p>
Page 51	Page 53
<p>1 the direct phone number to the sheriff's</p> <p>2 office. They'd rather deal with somebody</p> <p>3 they know.</p> <p>4 BY MS. PFEIFFER:</p> <p>5 Q. So it's common in Anson County for people</p> <p>6 who have a personal relationship to call someone</p> <p>7 who has another personal relationship and suggest</p> <p>8 there's drugs in the car and they want Anson County</p> <p>9 deputies to follow up?</p> <p>10 A. In this small community, it's not unheard</p> <p>11 of.</p> <p>12 Q. So it probably wouldn't surprise you, then,</p> <p>13 that there are a fair number of reports about</p> <p>14 people getting pulled over for lack of probable</p> <p>15 cause but for a personal vendetta in Anson County,</p> <p>16 right?</p> <p>17 A. I don't know anything about that.</p> <p>18 Q. That's not the first time you've heard that?</p> <p>19 A. First time I've heard it, yes.</p> <p>20 Q. You've been in Anson County since 2016,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And you're not aware of officers being</p> <p>24 reprimanded for pulling people over, despite the</p> <p>25 fact that there actually hasn't been a traffic</p>	<p>1 say, then I would have understood you incorrectly,</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. Because one of the things you learn about</p> <p>5 proper service of a citation is that you deliver</p> <p>6 one copy to the person who received it, right?</p> <p>7 A. Yeah.</p> <p>8 Q. And then the original gets filed with the</p> <p>9 clerk by the officer who wrote the citation, right?</p> <p>10 A. Yes.</p> <p>11 Q. You also learn that the only person who's</p> <p>12 allowed to dismiss a citation is a prosecutor,</p> <p>13 right?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. Well, the prosecutor is the person to decide</p> <p>16 that, because it's the prosecutor who figures out</p> <p>17 whether there's sufficient evidence to prosecute,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. So only a prosecutor can dismiss a citation?</p> <p>21 A. Yeah. We'll say that.</p> <p>22 Q. So if -- if the -- if the officer who issued</p> <p>23 the citation decided it was within his discretion</p> <p>24 to void it, that would be wrong, right?</p> <p>25 A. What do you mean by "void it"?</p>



<p style="text-align: right;">Page 54</p> <p>1 Q. If an officer writes a citation and then on</p> <p>2 his own decides to void it, literally write "void"</p> <p>3 across the citation, that would be wrong?</p> <p>4 A. We've voided check -- listen to me, checks.</p> <p>5 We've voided citations before, but that's</p> <p>6 usually one that never gets issued. It would be</p> <p>7 for -- like we wrote something wrong and couldn't</p> <p>8 correct it and just moved on to the next citation.</p> <p>9 Q. Right. But if you've issued a citation --</p> <p>10 A. Yeah, you usually don't write "void" on an</p> <p>11 issued citation.</p> <p>12 Q. Well, it's not that you usually didn't; you</p> <p>13 shouldn't.</p> <p>14 A. As far as I know, you're right; you</p> <p>15 shouldn't.</p> <p>16 Q. Right. Because only a prosecutor can do</p> <p>17 that, right?</p> <p>18 A. I don't even think they would write "void"</p> <p>19 on it. They would just dismiss it in the system.</p> <p>20 Q. Right. And so an officer who did that was</p> <p>21 certainly out of bounds. Fair to say?</p> <p>22 MR. PERRIN: Objection to "out of</p> <p>23 bounds."</p> <p>24 You can answer.</p> <p>25 THE DEPONENT: He definitely made a</p>	<p style="text-align: right;">Page 56</p> <p>1 needed later, right?</p> <p>2 A. Yeah.</p> <p>3 Q. So going back to what David Spencer said to</p> <p>4 you when he told you he pulled someone over for a</p> <p>5 traffic violation, with as much specificity as you</p> <p>6 can, tell me what it is Spencer told you in that</p> <p>7 phone call.</p> <p>8 A. He told me that he had gotten behind the</p> <p>9 vehicle and stopped it and that he was fixing to</p> <p>10 ask for consent to search the vehicle, if I would</p> <p>11 be on the way up that way, and I said I would come</p> <p>12 up there.</p> <p>13 Q. And why was he fixing to ask for consent to</p> <p>14 search? Did he say?</p> <p>15 A. I don't remember.</p> <p>16 Q. And you agreed to come?</p> <p>17 A. Yes.</p> <p>18 Q. Because it would be normal if you thought</p> <p>19 there were drugs in a car, that two people would be</p> <p>20 there, right?</p> <p>21 A. Yes.</p> <p>22 Q. How long did it take you to get there after</p> <p>23 Spencer called you, do you think? What would you</p> <p>24 estimate?</p> <p>25 A. I really don't recall. Maybe 10, 15</p>
<p style="text-align: right;">Page 55</p> <p>1 mistake or did something out of character</p> <p>2 for a regular officer.</p> <p>3 BY MS. PFEIFFER:</p> <p>4 Q. Well, we can agree it shouldn't be done?</p> <p>5 A. Yes.</p> <p>6 Q. And the officer who writes that citation is</p> <p>7 supposed to keep the notes and a copy of that</p> <p>8 citation until all appeals are dismissed or all</p> <p>9 appeals have passed and are exhausted, right?</p> <p>10 A. Yes.</p> <p>11 Q. And that, of course, is because if -- if you</p> <p>12 don't have the notes and if you don't have the</p> <p>13 citation, you might not have evidence if there's an</p> <p>14 appeal later, right?</p> <p>15 A. Yes.</p> <p>16 Q. Or if there's a civil case later, right?</p> <p>17 A. Yes.</p> <p>18 Q. I mean, it's to make sure that evidence is</p> <p>19 retained, right?</p> <p>20 A. Yes.</p> <p>21 Q. So if an officer who issued a citation</p> <p>22 decided that it's within his discretion to void a</p> <p>23 citation, not only is it wrong because it's the</p> <p>24 prosecutor's job to do so, but it's wrong because</p> <p>25 he could also be destroying evidence that might be</p>	<p style="text-align: right;">Page 57</p> <p>1 minutes. I believe I was in Wadesboro when it --</p> <p>2 Q. I was going to ask, do you remember where</p> <p>3 you were?</p> <p>4 A. Yeah. I was in -- I was somewhere in</p> <p>5 Wadesboro, in -- down near Wadesboro.</p> <p>6 Q. When you arrived on the scene, where was</p> <p>7 Spencer?</p> <p>8 A. He was standing I believe beside his patrol</p> <p>9 car.</p> <p>10 Q. And did he have his citation book in his</p> <p>11 hand?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Where was Ray Kifer when you arrived?</p> <p>14 A. I want to say he was in Deputy Spencer's</p> <p>15 car.</p> <p>16 Q. And do you know, was he handcuffed at that</p> <p>17 point, do you know?</p> <p>18 A. I don't recall.</p> <p>19 Q. Had Spencer started a search at all before</p> <p>20 you came?</p> <p>21 A. No.</p> <p>22 Q. Just going back to your interrogatories, and</p> <p>23 I -- I don't need to pull them back up on the</p> <p>24 screen. If you just want to track along with me</p> <p>25 here, I'm still on your answer to Number 1. You</p>

<p style="text-align: right;">Page 58</p> <p>1 said, "I arrived and assisted Spencer in searching 2 the vehicle's trunk." 3 Did you guys start anywhere else? Like, did 4 you start in the body of the car, or -- or did you 5 go to the trunk? What do you remember about the 6 search itself? 7 A. What I remember about the search is I stood 8 by -- next to Deputy Spencer's car and he did the 9 majority of the search. And I believe he started 10 in the passenger area and then ended up at the 11 trunk at some point. 12 Q. Okay. And did you -- when you said -- you 13 wrote here that you assisted in searching the 14 vehicle's trunk. So, at some point, did you step 15 away from Spencer's car -- 16 A. Yes. 17 Q. -- to physically assist in the search? 18 A. When he indicated that he had located 19 something in his trunk, I stepped over to look at 20 it. 21 Q. Okay. So he's the one who first opened the 22 trunk and looked in the trunk? 23 A. Yes. 24 Q. And when you say "he indicated something was 25 in the trunk," what did he say or do?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. All right. So when you approached, you came 2 up to Spencer's car. You didn't even go up to 3 Mr. Kifer's car at that point. You just stopped 4 and stood at Mr. -- at -- at Spencer's patrol car? 5 A. Yes. 6 Q. Okay. And then he sort of motions to you 7 and -- and says, "It's in the trunk," or something 8 thereabouts, and then what do you do? 9 A. I walked over to look at what he had 10 indicated. 11 Q. And what did you see? 12 A. I remember seeing a plastic -- I want to say 13 it was like a folder-type pouch of some kind and it 14 had a bunch of different stuff inside of it. 15 Q. Could you make out what any of that stuff 16 was just upon first seeing it? 17 A. I knew that it looked like there might be 18 some smaller packages of something inside, maybe 19 some kind of powder or something like that. 20 Q. Do you remember what color it was? 21 A. I -- I really don't at this point remember 22 exactly what color. It was -- it was a darker, but 23 still a clear-ish color. I don't -- don't recall. 24 Q. Did you, like, smell marijuana or anything? 25 A. I didn't, no.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. I believe he just pointed in the trunk and 2 said, "There it is" or something like that. 3 Q. And when you say, "He said, 'There it is,'" 4 it was sort of confirmatory, like he knew what he 5 was looking for? 6 A. I -- yeah, you would say that. I -- like I 7 said, I can't remember exact words, but it was 8 pretty much, you know, there's -- There's something 9 right there, or something like that. I don't know 10 exactly what he said. 11 Q. And let me ask this. When you -- when you 12 approached in your car, was this on the side of the 13 road? 14 A. Yes. 15 Q. And where did you pull up in relation to 16 Spencer's car and Mr. Kifer's car? 17 A. Behind Spencer's car. 18 Q. Okay. And just so I understand -- I'm 19 trying to create a visual for myself here so I 20 understand. 21 Was it Mr. Kifer's car first and then it was 22 Spencer's car and then your car all in a row? 23 A. Yes. 24 Q. Okay. 25 A. I believe so.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Okay. And -- and so then you had mentioned 2 earlier taking a photograph? 3 A. Yeah. When I saw the packaging and what 4 could possibly be in there, that's when I contacted 5 my brother to see if they wanted to come up there 6 and take a look at it. 7 Q. Uh-huh. 8 A. And I did send him a picture to show him 9 what we had. 10 Q. Okay. So Spencer calls you over, you see 11 this pack, you think it looks like it might be 12 drugs, you already have this call with Burroughs, 13 seems like thing to do is call the drug folks, you 14 take a picture, you send it to your brother, right? 15 A. Yes. 16 Q. Okay. At what point is Ray Kifer arrested? 17 A. I believe at that point, we did -- advised 18 him he was being detained. I don't know if we used 19 the word "arresting." If somebody did, it wasn't 20 me. 21 Q. Well, I'll represent to you that David 22 Spencer had said he was told he was being arrested. 23 A. Okay. 24 Q. And that's what he also told Agent Blackman. 25 A. Okay.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. And as I read in your report, you also say</p> <p>2 that he was arrested. If we turn to Page 5 -- Page</p> <p>3 3, Paragraph 5, we ask about the duration of time.</p> <p>4 Are you with me there?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. You say, "Williams and Josh Beam</p> <p>7 arrived ten minutes after Mr. Kifer was placed</p> <p>8 under arrest." Okay?</p> <p>9 A. Okay.</p> <p>10 Q. All right. So we can agree he was placed</p> <p>11 under arrest, right?</p> <p>12 A. Yes.</p> <p>13 Q. Now, when he was placed under arrest, he</p> <p>14 asked a number of times why he was being placed</p> <p>15 under arrest. Do you remember that?</p> <p>16 A. I did not have a conversation with</p> <p>17 Mr. Kifer. I don't remember anything that he said.</p> <p>18 I never...</p> <p>19 Q. Who placed the handcuffs on him?</p> <p>20 A. That would have been David Spencer.</p> <p>21 Q. And where were you when David Spencer put</p> <p>22 the handcuffs on him?</p> <p>23 A. Probably just standing by the vehicle. I</p> <p>24 don't remember exactly what side of the vehicle,</p> <p>25 but I would have been standing there.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. But if you're placing somebody under arrest,</p> <p>2 you know that there's actually statutory</p> <p>3 requirements what you need to do, right?</p> <p>4 A. Yes.</p> <p>5 Q. I mean, you need to identify yourself as a</p> <p>6 law enforcement officer if it's not obvious, right?</p> <p>7 A. Yep.</p> <p>8 Q. And -- and you need to -- you need to inform</p> <p>9 the suspect they're under arrest, right? You can't</p> <p>10 just put handcuffs on somebody and say "you're</p> <p>11 good, right"? You got to say, "You're under</p> <p>12 arrest," right?</p> <p>13 A. Yes.</p> <p>14 Q. And then you're required to tell them why</p> <p>15 they are under arrest, right?</p> <p>16 A. Yes.</p> <p>17 Q. Can you think of any reason why an officer</p> <p>18 who was putting somebody under arrest in handcuffs</p> <p>19 in the back of their car would not tell them why</p> <p>20 they were under arrest?</p> <p>21 A. I cannot think of one.</p> <p>22 Q. So let's -- let's go back to your decision</p> <p>23 to call your brother and Jimmy Williams.</p> <p>24 Why did you decide to call them?</p> <p>25 A. Because of the way the narcotics appeared to</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. But you were close enough because,</p> <p>2 obviously, you just found a lot of drugs in</p> <p>3 somebody's trunk. And even if you're not a</p> <p>4 narcotics detective, you know that you want to</p> <p>5 stand there by the person you're with just for</p> <p>6 safety, right?</p> <p>7 A. Yeah.</p> <p>8 Q. So is it your testimony that you didn't hear</p> <p>9 Mr. Kifer asking why he was being put under arrest?</p> <p>10 A. Yeah. I don't remember hearing him saying</p> <p>11 anything.</p> <p>12 Q. Do you remember him being patted down?</p> <p>13 A. I don't recall that, either. I don't</p> <p>14 remember when that hap- -- when that occurred.</p> <p>15 That may have been when I was on the phone with my</p> <p>16 brother.</p> <p>17 Q. Okay. Well, Mr. Spencer testified that</p> <p>18 Kifer did ask multiple times why he was under</p> <p>19 arrest, and neither one of you responded to that.</p> <p>20 Can you think of any reason why he wouldn't</p> <p>21 be told why he was being put under arrest?</p> <p>22 A. I cannot -- I cannot answer for Deputy</p> <p>23 Spencer, but if I -- I don't remember hearing him,</p> <p>24 so I wouldn't respond to something I don't remember</p> <p>25 hearing.</p>	<p style="text-align: right;">Page 65</p> <p>1 be packaged. It seemed like something that just</p> <p>2 didn't fit the mold of a normal drug thing for</p> <p>3 Anson County.</p> <p>4 Q. What do you mean by that?</p> <p>5 A. Our -- I'll just be honest. Our drug deals</p> <p>6 are real sloppy. Most of their stuff is just in</p> <p>7 plastic baggies and grocery bags and anything they</p> <p>8 can stick it in. This just seemed a little too</p> <p>9 organized for something around here.</p> <p>10 Q. And so when you say that it was too</p> <p>11 organized, it didn't seem like what you normally</p> <p>12 have, what --</p> <p>13 A. Yeah.</p> <p>14 Q. -- was your concern about that? What --</p> <p>15 what --</p> <p>16 A. It -- I'm just going to be honest with you,</p> <p>17 I don't know. It just didn't feel right.</p> <p>18 Q. Were you at that point putting together the</p> <p>19 call from Burroughs and now this, and were you</p> <p>20 thinking to yourself, This is odd? I mean, was it</p> <p>21 sort of everything coming together at that point?</p> <p>22 I mean, look, at this point, right, you've got 18</p> <p>23 years of experience, right? Like, were you --</p> <p>24 (Indiscernible crosstalk.)</p> <p>25 BY MS. PFEIFFER:</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. -- on you?</p> <p>2 A. I -- I just -- I really can't put a finger</p> <p>3 on it. Something just felt like I needed more</p> <p>4 people involved than what we had at that point.</p> <p>5 Q. And it sounds like it was pretty easy to</p> <p>6 reach Josh Beam and Jimmy Williams, right?</p> <p>7 A. Yeah.</p> <p>8 Q. I mean, they were there within ten minutes?</p> <p>9 A. Yeah.</p> <p>10 Q. So if somebody needed to have the drug unit</p> <p>11 look into something, they -- they could have called</p> <p>12 them pretty quickly, right, particularly if that</p> <p>13 person was a deputy?</p> <p>14 A. Hmm, yeah.</p> <p>15 Q. And in that ten minutes that Ray was</p> <p>16 arrested and asked -- you know, he asked about why</p> <p>17 he was being put under arrest, what do you remember</p> <p>18 happening during that ten-minute period of time?</p> <p>19 Where were you? Where was Spencer? What do you</p> <p>20 remember about that, if anything?</p> <p>21 A. At that point, I believe after I called them</p> <p>22 and they said, "Just sit tight, we're on the way,"</p> <p>23 I -- I believe I just went back and sat in my car</p> <p>24 and just waited.</p> <p>25 Q. And then --</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. What do you mean "that makes sense now"?</p> <p>2 What makes sense?</p> <p>3 A. When he -- when they called me and said that</p> <p>4 he admitted to what he did and that they were</p> <p>5 taking it further into internal investigation, I</p> <p>6 said, well, that makes sense why he tried to get --</p> <p>7 get us to stop the car.</p> <p>8 Q. And was that the first time it started to</p> <p>9 make sense to you?</p> <p>10 A. I'm not going to lie to you. That was --</p> <p>11 yeah, that was the minute it was just kind of,</p> <p>12 like, a light bulb. Like, yeah, okay.</p> <p>13 Q. And when they showed up and you said,</p> <p>14 "Here's the drugs, this is where I found them," is</p> <p>15 it your testimony that you didn't, at that point in</p> <p>16 time, think it would be wise to tell them what</p> <p>17 David Burroughs had said to you earlier in the day?</p> <p>18 A. At that point, I just thought that they were</p> <p>19 going to take it over as a drug investigation and I</p> <p>20 let them have it.</p> <p>21 Q. Well, if they're taking it over as a drug</p> <p>22 investigation, the first place they start is with</p> <p>23 who originated the stop, right?</p> <p>24 A. Yeah.</p> <p>25 Q. I mean, the detectives' job is to gather all</p>
<p style="text-align: right;">Page 67</p> <p>1 A. I don't remember exactly.</p> <p>2 Q. Okay. Sorry.</p> <p>3 When Jimmy Williams and -- and -- and Josh</p> <p>4 showed up, what did you tell them when they</p> <p>5 arrived?</p> <p>6 A. At that point, I just told them what we had</p> <p>7 found. And they said, "Okay, we'll -- we'll look</p> <p>8 into it," and then they kind of just took over.</p> <p>9 Q. That was it? You -- they just said, "Okay,</p> <p>10 we'll -- we'll deal with it"?</p> <p>11 A. Yeah.</p> <p>12 Q. And when you say "we told them what we</p> <p>13 found," how much detail did you give them?</p> <p>14 A. At that point, I believe the item was still</p> <p>15 in the trunk, and I just told them there's a</p> <p>16 package in the trunk, looks like it's got drugs,</p> <p>17 and they went and looked at it.</p> <p>18 Q. Had you already told them about your call</p> <p>19 with David Burroughs that day?</p> <p>20 A. Not at that particular point, no.</p> <p>21 Q. When did you tell them about your call with</p> <p>22 David Burroughs?</p> <p>23 A. I believe it was later on that afternoon</p> <p>24 after everything had come out. I was just, like,</p> <p>25 well, that makes sense now.</p>	<p style="text-align: right;">Page 69</p> <p>1 of the information that relates to the</p> <p>2 investigation.</p> <p>3 A. Yeah.</p> <p>4 Q. And this investigation started with David</p> <p>5 Burroughs calling you and giving you a story about</p> <p>6 Lela's family giving him a tip about her current</p> <p>7 boyfriend, right?</p> <p>8 A. I believe he had talked to other people</p> <p>9 before that.</p> <p>10 Q. I'm just talking about what you knew at that</p> <p>11 point in time.</p> <p>12 A. Yes.</p> <p>13 Q. And you had been a law enforcement officer</p> <p>14 for 18 years at this point, right?</p> <p>15 A. Yes.</p> <p>16 Q. You knew it would be important to give them</p> <p>17 information that you had that related to a drug</p> <p>18 investigation, didn't you?</p> <p>19 A. I told them if they had any questions they</p> <p>20 could call me.</p> <p>21 Q. So it's your testimony they should have to</p> <p>22 ask you the questions, even though you had</p> <p>23 information from just a few hours before?</p> <p>24 A. (Indicating.)</p> <p>25 I don't know what to tell you on that one.</p>

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<p>1 I just didn't -- I don't remember giving them any 2 information until later that day. 3 Q. Wouldn't you expect your deputies to provide 4 you all the underlying information if they were 5 about to case -- pass a case off to you? 6 A. Yes, I would. 7 Q. Why would it be any different for you 8 handing a case off to the drug unit? 9 A. I -- I don't know. 10 Q. So after they take Ray and they put him in 11 what I understand is a black unmarked Ford F-150 12 with a federal agent inside, what did you 13 understand was going to happen next? 14 A. I -- the way I understood it, they were 15 going to go take him and see if he wanted to answer 16 any questions about what they had found. 17 Q. I want to try to get an idea of -- about 18 what time this was now. So I'm happy to show you 19 the citation or the incident report if you want to 20 see it, but what I'll represent to you is that 21 David Spencer shows the citation being issued at 22 3:46 in the afternoon. 23 MS. PFEIFFER: Do you have that there, 24 Sean? 25 MR. PERRIN: I do. Give me one second.</p>	<p>1 they were still there? 2 A. Yes, they were still there, and David 3 Spencer was still there. I was scheduled to get 4 off work earlier that day, so... 5 Q. Okay. What time were you scheduled to get 6 off? 7 A. I believe I was getting off anywhere between 8 4:00 and 4:30. I had a baseball game I had to 9 coach for my son. 10 Q. Okay. Do you -- did you clock out that day? 11 A. Yes, but I don't remember exactly what time 12 I left. 13 Q. Do you -- 14 A. I know it was enough time to go home, change 15 clothes, and get to the ball field to start the 16 game by 6:00. 17 Q. Okay. Do you -- do you think that you left 18 between 4:00 and 4:30, like intended? 19 A. It was probably closer to 4:30, if I had to 20 guess, but I can't remember exactly. 21 Q. Okay. So, as I understand it then, Jimmy 22 Williams and Josh Beam show up. Spencer is still 23 there. Ray is in the backseat. You -- you're, 24 like, this is under control, I got to get to my 25 kid's game, and -- and you leave, you're off the</p>
Page 71	Page 73
<p>1 MS. PFEIFFER: Yeah, if you want to 2 take a look at it, just so -- so we're -- 3 MR. PERRIN: All right. I'm showing it 4 to him. 5 MS. PFEIFFER: Pull it up, too, if 6 it's -- just let me know if you want me to 7 pull it up on the screen. 8 THE DEPONENT: Yeah, that's -- that's 9 what's on there. 10 BY MS. PFEIFFER: 11 Q. All right. So then if it takes about ten 12 minutes for those guys to show up. We're probably 13 at about 4:00 by now. Did they stay very long once 14 they arrived? 15 A. I don't know. I left shortly after they 16 took over. 17 Q. Okay. So when they came and they took Ray, 18 did you see them put Ray in the truck? 19 A. I don't recall them taking him out while I 20 was there, or taking him out of Spencer's car and 21 putting him in there while I was there. 22 Q. Okay. 23 A. I don't recall. 24 Q. What time do you think you left them? Were 25 they still there when you left? You drove off and</p>	<p>1 clock, right? 2 A. Yes. 3 Q. Okay. Did you have any further involvement 4 with the incident that day? 5 A. No. 6 Q. At some point, did you understand that an 7 internal investigation was underway? 8 A. Yes. 9 Q. When did you learn that? 10 A. I believe it was -- it was later on that 11 evening. It was after the ball game, maybe. My 12 brother called me and said that Burroughs had 13 admitted to what he did. 14 Q. So your brother, Josh, called you? 15 A. Yeah. 16 Q. Do you remember what else he said in that 17 call? 18 A. Just that they were going to be calling the 19 SBI to open an investigation and that I needed to 20 be ready in case they had any questions. 21 Q. But then you were never contacted by the 22 SBI? 23 A. No. 24 Q. Did Josh let you know that there was an 25 Internal Affairs investigation going on within the</p>



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<p>1 department, though? Setting aside the SBI</p> <p>2 investigation, did you --</p> <p>3 (Indiscernible crosstalk.)</p> <p>4 THE DEPONENT: Yes.</p> <p>5 BY MS. PFEIFFER:</p> <p>6 Q. What did he say about that investigation?</p> <p>7 A. Just that Brian Tice and Lieutenant Little</p> <p>8 would be looking into that part.</p> <p>9 Q. And did he tell you that you might want to</p> <p>10 expect to hear from them?</p> <p>11 A. Yes.</p> <p>12 Q. But you didn't hear from them?</p> <p>13 A. No.</p> <p>14 Q. Did that surprise you?</p> <p>15 A. Not really. I -- I -- I just figured they</p> <p>16 got enough of what they needed from everybody else,</p> <p>17 that they didn't need me.</p> <p>18 Q. Well, if you were doing a thorough</p> <p>19 investigation, wouldn't you want to hear from</p> <p>20 everybody who was involved in -- in sort of, like,</p> <p>21 the critical event?</p> <p>22 A. Yeah, I probably would.</p> <p>23 Q. If you weren't surprised, is that because</p> <p>24 you view Internal Affairs as not always doing a</p> <p>25 very thorough and effective job?</p>	<p>1 A. Not that day.</p> <p>2 Q. You learned that --</p> <p>3 (Indiscernible crosstalk.)</p> <p>4 THE DEPONENT: Seems like I -- seems</p> <p>5 like I learned it a few days later, yeah.</p> <p>6 BY MS. PFEIFFER:</p> <p>7 Q. Do you remember how you learned that?</p> <p>8 A. I can't -- I really can't recall. Talking</p> <p>9 to somebody somewhere.</p> <p>10 Q. Did Spencer talk with you about it in the</p> <p>11 days that followed?</p> <p>12 A. I don't remember him talking to me about it,</p> <p>13 but I'm not going to say he didn't.</p> <p>14 Q. You don't recall?</p> <p>15 A. I mean, just don't recall.</p> <p>16 Q. Okay. Were you aware that David Spencer was</p> <p>17 asked to write a statement about what happened for</p> <p>18 the Internal Affairs guys, for Tice and Little?</p> <p>19 A. I believe I found that out later on, yes. I</p> <p>20 didn't know he had to, but I can't remember if</p> <p>21 that's something I found out then or something I</p> <p>22 found out here recently. I can't remember.</p> <p>23 Q. I got it.</p> <p>24 You mentioned that your brother, when he</p> <p>25 called you, he said that Burroughs had admitted to</p>
Page 75	Page 77
<p>1 MR. PERRIN: Objection.</p> <p>2 THE DEPONENT: I've -- I've never done</p> <p>3 an internal investigation, so I don't know</p> <p>4 what it entails. I've never been a part of</p> <p>5 an internal investigation, so I didn't know</p> <p>6 what they needed.</p> <p>7 BY MS. PFEIFFER:</p> <p>8 Q. Yeah, I understand. I'm asking about your</p> <p>9 opinion about the internal investigations at Anson.</p> <p>10 I mean, you said you weren't surprised they didn't</p> <p>11 talk to you. I'm surprised. So, I mean...</p> <p>12 A. This is -- this is the first one I had ever</p> <p>13 heard of in this detail, so I don't know what their</p> <p>14 standards were.</p> <p>15 Q. But if you were doing it, you certainly</p> <p>16 would want all the information you could get from</p> <p>17 everybody involved in the critical events, right?</p> <p>18 A. That would be me, yes.</p> <p>19 Q. Were you aware that David Spencer was called</p> <p>20 by Lieutenant Little?</p> <p>21 A. I believe I found that out some days later.</p> <p>22 I don't think I knew it that day.</p> <p>23 Q. So you weren't aware that he got that call</p> <p>24 on his way to the magistrate from the stop? You</p> <p>25 didn't know that?</p>	<p>1 what he did. So you were aware he was interviewed</p> <p>2 by Internal Affairs, right?</p> <p>3 A. I knew he was interviewed by several</p> <p>4 members. I don't remember who they said all was</p> <p>5 there when he -- when he did it, but yes.</p> <p>6 Q. And are you aware that David Burroughs wrote</p> <p>7 out a statement for Internal Affairs?</p> <p>8 A. I was not aware at the time, but I am now,</p> <p>9 yes.</p> <p>10 Q. Have you reviewed that statement, the</p> <p>11 handwritten statement that he did for Internal</p> <p>12 Affairs?</p> <p>13 A. I have not seen it, that I recall.</p> <p>14 Q. But you --</p> <p>15 (Indiscernible crosstalk.)</p> <p>16 THE DEPONENT: I would remember that.</p> <p>17 (Reporter asks for clarification.)</p> <p>18 THE DEPONENT: I think I would remember</p> <p>19 that.</p> <p>20 BY MS. PFEIFFER:</p> <p>21 Q. At what point did you find out that the SBI</p> <p>22 was going to be involved?</p> <p>23 A. I -- when they told me that night, he said</p> <p>24 that they were going to -- the sheriff was going to</p> <p>25 be contacting the SBI to look into it.</p>



<p style="text-align: right;">Page 78</p> <p>1 Q. And, again, that was what you learned from 2 your brother? 3 A. Yes. 4 Q. Okay. Okay. If you still have those 5 interrogatories nearby, I want to flip to Page 5, 6 and let's take a look at Number 12. I'll just give 7 you a minute to read through that. This is our 8 question asking about any phone, texts or other 9 communications between you and anyone else. 10 A. (Reviewing.) 11 Okay. 12 Q. Now, you talked earlier about the phone call 13 from Burroughs earlier in the day, that morning. 14 A. Yes. 15 Q. I don't see that mentioned here. I'm 16 wondering why you didn't include that in this 17 response? 18 (Reporter asks for clarification.) 19 THE DEPONENT: Yeah. It says "Upon 20 information and belief, I believe Burroughs 21 contacted me shortly prior to Spencer 22 stopping the car." 23 BY MS. PFEIFFER: 24 Q. Right. Shortly prior to stopping the car is 25 not the same thing as the morning, right?</p>	<p style="text-align: right;">Page 80</p> <p>1 that -- that they would just take care of 2 everything and to just let it go. 3 Q. About what time do you think that phone call 4 was? 5 A. I don't recall. 6 Q. Do you think it was a short call? 7 A. I don't remember how long it was. 8 Q. Do you remember providing David Burroughs 9 with any significant information about the stop 10 that day? 11 A. Not that I recall. 12 Q. Back up to that first paragraph, same one, 13 Number 12, "David Spencer called and informed me he 14 was attempting to locate a call" -- sorry, "locate 15 a car." Couldn't get close enough to confirm. "I 16 told him I would meet him, and told him to call 17 Burroughs again." 18 Did I read that right? 19 A. Yes. 20 Q. Okay. So, as I read this, you were already 21 on your way to meet him, meaning David Spencer, as 22 soon as he called you just to say he spotted the 23 car and couldn't get close; is that correct? 24 A. I told him I would meet with him, but I 25 don't know if I was already on the way to meet him</p>
<p style="text-align: right;">Page 79</p> <p>1 A. I mean, I guess it's your opinion on what 2 "shortly" is. Same day would be shortly to me. 3 Anything within 12 -- I mean, I don't know. I 4 mean, just -- I can't -- I can't -- I can't recall 5 why I worded it that way, but anything -- it all 6 kind of runs together. 7 Q. Okay. So your testimony is that that last 8 paragraph "Upon information and belief, I believe 9 Burroughs contacted me shortly prior to Spencer 10 stopping the car," that's the call in the morning 11 where he told you that he was contacted by Lela's 12 family; is that correct? 13 A. Yes. 14 Q. Okay. And then shortly after, Mr. Kifer was 15 arrested concerning the stop, right? 16 A. Yes, that's what I have here. 17 Q. Okay. Tell me about that second phone call 18 after Mr. Kifer was arrested. When did Burroughs 19 call you? 20 A. I believe he called me -- and I'm just -- 21 I'm -- I do remember talking to him that afternoon 22 and him trying to ask me what we found, and I 23 remember telling him that he could talk to Josh and 24 Jimmy about that because they're the ones looking 25 into it. Because at that time, they had told me</p>	<p style="text-align: right;">Page 81</p> <p>1 or if I just meant we would meet and discuss what 2 he saw. I don't remember. 3 Q. Okay. But you remember that he called you 4 and he hadn't stopped the car yet. You remember 5 that? 6 A. Yes. 7 Q. Okay. And at that point, you already have 8 the call from David Burroughs in the morning 9 shortly before, right? 10 A. Yes. 11 Q. And now Spencer calls you and says he's 12 identified this car that Burroughs says is carrying 13 narcotics, but he couldn't stop it, right? So you 14 know this at this point, right? 15 A. I know he said he thought he -- he saw a 16 car, but couldn't tell if it was the one he was 17 looking for, yeah. 18 Q. And you say you're going to head on over, 19 right? 20 A. Yes. 21 Q. And then you told him to call Burroughs 22 again? 23 A. Yeah. I believe that was just to confirm 24 one more time what he was trying to tell us was up 25 with the -- the car.</p>

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<p>1 Q. Well, what do you remember specifically</p> <p>2 about why you asked him to call Burroughs again? I</p> <p>3 mean, by this point in time you had a conversation</p> <p>4 with Burroughs in the morning, Spencer has called</p> <p>5 you, and it sounds like given you similar</p> <p>6 information, and then you say call Burroughs again.</p> <p>7 What else did you need from Burroughs at</p> <p>8 that point?</p> <p>9 A. I don't remember. I really don't.</p> <p>10 Q. Were you concerned about the situation at</p> <p>11 this point? Was it feeling a little fishy?</p> <p>12 A. I wouldn't say -- no, because, again, we get</p> <p>13 tips from family members of family members of</p> <p>14 family members all the time. It was nothing that I</p> <p>15 hadn't come across several times in my career.</p> <p>16 Q. It's your testimony that this situation is</p> <p>17 common in Anson County, the one that we're talking</p> <p>18 about here today?</p> <p>19 A. This particular situation is not common.</p> <p>20 But we do get calls from ex-girlfriends of drug</p> <p>21 dealers who want to get them arrested, or</p> <p>22 somebody's cousin saw something that they want us</p> <p>23 to check out. So it's not uncommon in a small</p> <p>24 community for people that know people to -- to give</p> <p>25 information.</p>	<p>1 A. Okay.</p> <p>2 Q. -- that this situation is unique, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Second paragraph back on Number 12, your</p> <p>5 response, "After Mr. Kifer was stopped, Spencer</p> <p>6 called me again and advised me of the situation."</p> <p>7 What do you remember about that, "advised me</p> <p>8 of the situation"? Is this the same call we talked</p> <p>9 about earlier?</p> <p>10 A. I think what I -- what I meant in that one</p> <p>11 would have been that he called me and told me that</p> <p>12 he had the vehicle stopped and why he stopped it,</p> <p>13 and that he was going to talk to the driver about</p> <p>14 consent to search the vehicle. That's the</p> <p>15 situation at that point.</p> <p>16 Q. All right. I'm going to share my screen</p> <p>17 here. And give me a second.</p> <p>18 Okay. I'm showing you what has previously</p> <p>19 been marked as Exhibit 12, and I'm sure your</p> <p>20 attorney will stipulate that these are David</p> <p>21 Burroughs's phone records provided by the SBI that</p> <p>22 they received in the context of their investigation</p> <p>23 into this matter, okay?</p> <p>24 A. Okay.</p> <p>25 Q. You can see David Burroughs' name up here,</p>
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<p>1 Q. That's not what these tips were, though.</p> <p>2 A. I didn't get the tips, so I don't know what</p> <p>3 they were.</p> <p>4 Q. You talked to David Burroughs that morning?</p> <p>5 A. He told me it was a family member of his</p> <p>6 ex-girlfriend concerned about the boyfriend and his</p> <p>7 activities.</p> <p>8 Q. And it's your testimony that that's typical,</p> <p>9 that an Anson County deputy who has a romantic</p> <p>10 relationship with someone that's broken off would</p> <p>11 normally get a tip from that person's family and</p> <p>12 would then report that tip to his fellow deputies</p> <p>13 when the tip is about his ex-girlfriend's current</p> <p>14 boyfriend? That, you're telling me, is typical,</p> <p>15 typical day in Anson County; is that right?</p> <p>16 MR. PERRIN: Objection to form.</p> <p>17 You can answer.</p> <p>18 THE DEPONENT: It's -- I wouldn't say</p> <p>19 romantic relationships. This would be the</p> <p>20 first one I knew to be romantic, but there</p> <p>21 are people who's family members of family</p> <p>22 members.</p> <p>23 BY MS. PFEIFFER:</p> <p>24 Q. We're talking about this situation. We can</p> <p>25 agree --</p>	<p>1 his phone number just below. All right?</p> <p>2 A. Okay.</p> <p>3 Q. And your -- your phone number that you</p> <p>4 provided to us in your interrogatories that you</p> <p>5 were using that day is 704.690.0951, right?</p> <p>6 A. I don't believe -- okay. Yes.</p> <p>7 Q. Is that right? Okay. I want to make sure.</p> <p>8 I'm just going to scroll down here and then</p> <p>9 I'm going to show you a subset. So this phone</p> <p>10 record we have here, what I'm scrolling through --</p> <p>11 and I don't know if your attorney has it. We're</p> <p>12 not going through all these calls, but I'll</p> <p>13 represent to you these are from January 1st, 2018</p> <p>14 all the way through to April 8th, 2018. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. But I'm going to zero in on March 7th here,</p> <p>17 okay?</p> <p>18 A. Okay.</p> <p>19 Q. All right. Now, you talked about a phone</p> <p>20 call from David Burroughs in the morning. I've</p> <p>21 created a few subsets of calls between you and</p> <p>22 David Burroughs and also David Burroughs and David</p> <p>23 Spencer. And what I'm going to do is I'm going to</p> <p>24 stop sharing this record here and then let me pull</p> <p>25 up a subset for you.</p>

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<p>1 The first one I want to show you is your</p> <p>2 calls with Burroughs. Okay. Let me show my screen</p> <p>3 here. I just want to understand when this phone</p> <p>4 call was that you say Burroughs called you in the</p> <p>5 morning.</p> <p>6 Okay. So I will represent to you that this</p> <p>7 subset here is all of the calls between you and</p> <p>8 David Burroughs on March 7, 2018. Now, I do have</p> <p>9 the times there.</p> <p>10 Have you looked at phone records before in</p> <p>11 the context of an investigation?</p> <p>12 A. No.</p> <p>13 Q. I will represent to you that when it says</p> <p>14 one minute -- see my cursor circling here "one</p> <p>15 minute"?</p> <p>16 A. Okay.</p> <p>17 Q. Okay. When it says "one minute," that's a</p> <p>18 missed call. It doesn't mean that anything</p> <p>19 connected. If it's a voicemail, it says VM for</p> <p>20 voicemail. But one minute is -- nothing happened.</p> <p>21 So the only calls in the morning of March</p> <p>22 7th, 2018 are at 6:50 a.m., Burroughs tries to call</p> <p>23 you. It's a missed call. 9:30 a.m. Burroughs</p> <p>24 tries to call you. It's a missed call. You tried</p> <p>25 to call him at 1:20. That's a missed call.</p>	<p>1 records there in case he wants to</p> <p>2 double-check.</p> <p>3 MR. PERRIN: Yeah.</p> <p>4 MS. PFEIFFER: Just for ease of putting</p> <p>5 this together, I created another subset just</p> <p>6 to ask him some questions, because there's</p> <p>7 so many calls on there.</p> <p>8 MR. PERRIN: Sure.</p> <p>9 BY MS. PFEIFFER:</p> <p>10 Q. Yeah. If you want to have it there,</p> <p>11 Sergeant Beam, just to make sure that what I'm</p> <p>12 showing you is accurate, that's fine with me.</p> <p>13 A. Okay.</p> <p>14 Q. And I'm going to -- I'm going to mark what I</p> <p>15 had just showed you. We'll mark that as -- I think</p> <p>16 we're up to Exhibit 16; is that right?</p> <p>17 MS. WOOLSEY: 16 will be the subset.</p> <p>18 (EXHIBIT 16, Subset of calls between K.</p> <p>19 Beam and D. Burroughs, was marked for</p> <p>20 identification.)</p> <p>21 MS. PFEIFFER: Okay. That's the first</p> <p>22 subset.</p> <p>23 Now, this next one I'm going to mark as</p> <p>24 Exhibit 17. This is another subset here.</p> <p>25 (EXHIBIT 17, Subset of calls between</p>
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<p>1 A. Got it.</p> <p>2 Q. 2:46, he tries to call you, and that's a</p> <p>3 missed call. So I don't see any call in the</p> <p>4 morning between you and David Burroughs.</p> <p>5 A. Again, I -- I could not remember when</p> <p>6 everything happened. I mean, my time frames on</p> <p>7 everything is running together right now. I don't</p> <p>8 remember exactly what the times were.</p> <p>9 Q. Got it. Well, in your interrogatories you</p> <p>10 said there was a call shortly before the stop, and</p> <p>11 here at 2:59, there's a four-minute call from</p> <p>12 Burroughs to you. Do you think it's possible that</p> <p>13 is the call you are remembering, it wasn't in the</p> <p>14 morning?</p> <p>15 A. It could be.</p> <p>16 Q. Okay. All right. Let me see if I can call</p> <p>17 up this other record. Are you still seeing my</p> <p>18 screen when I just shut that down?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Great. Let me just pull up this</p> <p>21 other record real quick then.</p> <p>22 I lost it. I'll have to share again.</p> <p>23 MR. PERRIN: Sonya, I have a copy of</p> <p>24 the phone records if that makes it easier.</p> <p>25 MS. PFEIFFER: You can have the phone</p>	<p>1 D. Burroughs, K. Beam, D. Spencer, was</p> <p>2 marked for identification.)</p> <p>3 BY MS. PFEIFFER:</p> <p>4 Q. So let me -- let me share my screen again.</p> <p>5 Okay. So what I have here is a subset that</p> <p>6 shows the calls between you and David Burroughs,</p> <p>7 between Spencer and Burroughs. So anyway, it's</p> <p>8 calls among all of you. Okay? And I started with</p> <p>9 that first call at 2:36, which is the first time</p> <p>10 there's any conversation between Spencer and</p> <p>11 Burroughs.</p> <p>12 And if you've got that phone record in front</p> <p>13 of you, you'll see at 2:36 there's a call between</p> <p>14 Burroughs and Spencer. And Spencer's number is</p> <p>15 704.695.6956. And it will show you right there how</p> <p>16 long that call was. So you'll see that it was a</p> <p>17 six-minute phone call. So it's from 2:36 to 2:42.</p> <p>18 Okay?</p> <p>19 And if we just run through this subset,</p> <p>20 which I think is a little easier to understand,</p> <p>21 2:36 to 2:42, Burroughs is talking to Spencer.</p> <p>22 He immediately calls -- tries to call you.</p> <p>23 Well, four minutes later, he tries to call you, and</p> <p>24 he doesn't.</p> <p>25 He talks to Spencer again from 2:47 to 2:56.</p>

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<p>1 Then he has this connected call with you</p> <p>2 from 2:59 to 3:03. And you recall the conversation</p> <p>3 where he tells you about Lela's family, right?</p> <p>4 A. Yes.</p> <p>5 Q. And we agree it might be this conversation?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Twenty minutes after that, he has a</p> <p>8 five-minute conversation with David Spencer.</p> <p>9 And then at 3:43, that's when the stop is</p> <p>10 first noted on the incident report.</p> <p>11 And then at 4:20, there's a two-minute</p> <p>12 conversation between you and David Burroughs. You</p> <p>13 said you remember him calling you to get</p> <p>14 information about the stop. You think it was 4:20,</p> <p>15 that soon after the stop, and it was two minutes?</p> <p>16 (Indiscernible crosstalk.)</p> <p>17 THE DEPONENT: That -- that could be,</p> <p>18 yes.</p> <p>19 BY MS. PFEIFFER:</p> <p>20 Q. Okay. Okay. And then I'll represent to you</p> <p>21 that there's a video of Ray being interviewed, and</p> <p>22 that starts at 4:43 in the afternoon, okay?</p> <p>23 A. Yes.</p> <p>24 Q. At 4:40, there's a 15-minute conversation</p> <p>25 between you and David Burroughs. What do you</p>	<p>1 thing. Hold on.</p> <p>2 MR. PERRIN: Is it Bates -- is it</p> <p>3 Bates-stamped 9 and 10?</p> <p>4 MS. PFEIFFER: It is Bates-stamped --</p> <p>5 Burroughs' handwritten -- I have it</p> <p>6 Bates-stamped 11 --</p> <p>7 MR. PERRIN: Okay.</p> <p>8 MS. PFEIFFER: -- 11 through --</p> <p>9 MR. PERRIN: 13?</p> <p>10 MS. PFEIFFER: Through 14, I think.</p> <p>11 Let me share my screen.</p> <p>12 MR. PERRIN: Ah. 15. Yeah, I have</p> <p>13 that.</p> <p>14 MS. PFEIFFER: Got it? Okay.</p> <p>15 (EXHIBIT 18, D. Burroughs IA interview,</p> <p>16 was marked for identification.)</p> <p>17 BY MS. PFEIFFER:</p> <p>18 Q. If you could just have that in front of you,</p> <p>19 Sergeant Beam?</p> <p>20 A. Okay.</p> <p>21 Q. Okay. You got it there? So I want to turn</p> <p>22 to what's Bates-stamped as ACSO-0013, okay? And</p> <p>23 looking towards the bottom of the page, you'll see</p> <p>24 a number 3 in the middle, and then you scroll down</p> <p>25 1, 2, 3, 4. I'll call these paragraphs 3 and 4.</p>
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<p>1 recall about that conversation with David</p> <p>2 Burroughs?</p> <p>3 A. I don't recall the meat of the conversation.</p> <p>4 It's more than likely going to be me and him</p> <p>5 talking about what he needs to pass on to the next</p> <p>6 shift since I was getting off work early, being the</p> <p>7 second in command, but I don't -- I don't remember</p> <p>8 the details of the call.</p> <p>9 Q. At that point in time, were you aware that</p> <p>10 there was an investigation going on?</p> <p>11 A. No.</p> <p>12 Q. At that time, 4:40, were you probably</p> <p>13 already on your way home?</p> <p>14 A. Yeah, I would say.</p> <p>15 Q. All right, sir.</p> <p>16 MS. PFEIFFER: If you have -- did you</p> <p>17 say you have Burroughs' handwritten</p> <p>18 statement there, Sean?</p> <p>19 MR. PERRIN: Yes.</p> <p>20 MS. PFEIFFER: Okay.</p> <p>21 MR. PERRIN: Well, I don't think it's</p> <p>22 handwritten by him. It's handwritten by</p> <p>23 someone else.</p> <p>24 MS. PFEIFFER: Hold on. Let me pull up</p> <p>25 what I have and let's see if it's the same</p>	<p>1 "Stated that he told David Spencer around 1:00 or</p> <p>2 2:00 all the details about travel and where the</p> <p>3 drugs would be." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And that would correspond to one of the</p> <p>6 calls on that call log.</p> <p>7 And then says "around 3:00," the next</p> <p>8 paragraph, "that David called him and said he has</p> <p>9 PC to stop but Lela was driving. Stated that he</p> <p>10 told Burroughs that if he stopped her and there</p> <p>11 were drugs in the car, she would be arrested,"</p> <p>12 turning the page.</p> <p>13 Do you see that?</p> <p>14 A. Oh, yes. Sorry. I was reading it.</p> <p>15 Q. Yep. That's okay. And then if we turn the</p> <p>16 page, and we're on Page 14 here, and go to the --</p> <p>17 we could call it the third paragraph, but it's</p> <p>18 really the second dash. "Stated that he informed</p> <p>19 Sergeant Beam." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So what he writes is -- or what someone</p> <p>22 wrote, "Stated that he informed Sergeant Beam of</p> <p>23 the incident and that his instructions were for</p> <p>24 someone -- to get someone to stop them, but you</p> <p>25 don't need to be any where around."</p>

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<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember making that statement to</p> <p>4 David Burroughs?</p> <p>5 A. No, I don't remember making that statement.</p> <p>6 Q. Do you think that he's inaccurate that you</p> <p>7 made that statement?</p> <p>8 A. I would say more than likely. That doesn't</p> <p>9 sound like anything I would normally say.</p> <p>10 Q. Well, you knew that there was a personal</p> <p>11 connection to Burroughs as it relates to this car,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And it would be inappropriate, given that</p> <p>15 personal connection, for Burroughs to have anything</p> <p>16 to do with the stop, right?</p> <p>17 A. Yes.</p> <p>18 Q. And you were the sergeant in charge of that</p> <p>19 unit, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And your job was to make sure everybody was</p> <p>22 doing what they're supposed to be doing, right?</p> <p>23 A. Yes.</p> <p>24 Q. So it would make sense if there was a</p> <p>25 personal relationship with Corporal Burroughs and</p>	<p>1 time, no.</p> <p>2 Q. Had you been told not to have contact with</p> <p>3 him?</p> <p>4 A. No. Not that I recall.</p> <p>5 Q. So let's switch gears and talk a little bit</p> <p>6 more about training. We've been talking about</p> <p>7 BLET, but I want to ask about any additional</p> <p>8 training you've had since then within the</p> <p>9 department.</p> <p>10 Have you taken other courses, other</p> <p>11 certifications?</p> <p>12 A. Yes.</p> <p>13 Q. You don't have to give me a whole laundry</p> <p>14 list, but give me an idea of how many and in what</p> <p>15 areas.</p> <p>16 A. Throughout the years, I've had</p> <p>17 certifications in radar; intox, Intoxilyzer</p> <p>18 certifications; crash investigations; different</p> <p>19 traffic -- traffic courses. We've had in-service</p> <p>20 training every year for different things. I've</p> <p>21 been to SWAT school. Just different stuff along</p> <p>22 those lines.</p> <p>23 Q. And does most of it relate to patrolling for</p> <p>24 the most part?</p> <p>25 A. Yes.</p>
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<p>1 the person whose car was being stopped that you</p> <p>2 would tell him he ought not be near that car when</p> <p>3 it gets stopped, right?</p> <p>4 A. That would make sense. I don't remember</p> <p>5 saying it, but it would make sense.</p> <p>6 Q. So I want to go back to -- you can take a</p> <p>7 look at the phone record, but I will also just pull</p> <p>8 up this subset here, which is Exhibit 17.</p> <p>9 So we talked about the calls on March 7th.</p> <p>10 That's all of the events that happened. And then</p> <p>11 on March 8th, and you can see it there on the full</p> <p>12 record in front of you, there are four calls from</p> <p>13 you to David Burroughs, all missed calls, two in</p> <p>14 the morning and two in the afternoon.</p> <p>15 Do you remember why it was that you were</p> <p>16 calling David Burroughs the next day?</p> <p>17 A. I don't recall unless I was looking for some</p> <p>18 papers he might have took home with him that we</p> <p>19 needed for work.</p> <p>20 Q. At that point, you knew there was an</p> <p>21 Internal Affairs investigation going on, right?</p> <p>22 A. Yes.</p> <p>23 Q. And at that point, were you aware that he</p> <p>24 had been fired?</p> <p>25 A. I was not aware he had been fired at that</p>	<p>1 Q. Okay. Are you familiar with the policy and</p> <p>2 procedural manual at the Anson County Sheriff's</p> <p>3 Office?</p> <p>4 A. I know we have one, yes.</p> <p>5 Q. Do you know where it is in the office?</p> <p>6 A. I'm not exactly sure.</p> <p>7 Q. Okay. Have you read it?</p> <p>8 A. Not in detail, no.</p> <p>9 Q. Have you had any specific training about</p> <p>10 what to do if you suspect a fellow law enforcement</p> <p>11 officer is engaged in misconduct?</p> <p>12 A. Yes. It's usually included in in-service</p> <p>13 from time to time.</p> <p>14 Q. Okay. What do you recall you're supposed to</p> <p>15 do?</p> <p>16 A. If you have evidence that they might be</p> <p>17 involved, you contact your superiors.</p> <p>18 Q. I'm not talking about evidence, because</p> <p>19 rarely do you have evidence, right? I'm talking</p> <p>20 about suspicion. If you have suspicion, if you've</p> <p>21 got reason to believe or suspect that a law</p> <p>22 enforcement officer is engaged in misconduct, what</p> <p>23 are you supposed to do?</p> <p>24 A. Inform your superiors.</p> <p>25 Q. What about if you suspect that a fellow law</p>



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<p>1 enforcement officer's breaking the law? What are 2 you supposed to do? 3 A. Inform your superiors. 4 Q. Why is it that you're supposed to inform 5 your superiors? 6 A. Let them handle it. 7 Q. And in a situation where an officer is 8 potentially breaking the law, you would want to 9 make sure that if it could be stopped, it is 10 stopped, right? 11 A. Yes. 12 Q. And that's something that a superior should 13 do if they have that information, right? 14 A. Yes. 15 Q. And it's something that they should 16 investigate if they have suspicions, correct? 17 A. Yes. 18 Q. And if they've been provided information 19 that leads them to believe or suspect that a law 20 enforcement officer is involved in misconduct or 21 potentially breaking the law, they have a 22 responsibility to investigate it and stop it if 23 they can, don't they? 24 A. Yes. 25 Q. I'm going to share my screen again with you</p>	<p>1 MS. PFEIFFER: Okay. Perfect. 2 THE DEPONENT: I have it. 3 (EXHIBIT 19, K. Beam reprimand, was 4 marked for identification.) 5 BY MS. PFEIFFER: 6 Q. Okay. Did you read through it? 7 A. Yes. 8 Q. Okay. And so this is from February of 2020, 9 right? 10 A. Yep. 11 Q. Okay. So tell me about what happened that 12 led to this written reprimand. 13 A. Just this online system we have that we're 14 supposed to use to clock in and out. It's just -- 15 I went through a stretch where I was having trouble 16 keeping up with it, and I would go home and forget 17 to clock out, and by the time I remembered, it 18 would be too late. Didn't want to add time I 19 didn't earn. 20 Q. And what do you mean you were having a hard 21 time with it? 22 A. I just -- I don't know. I don't know how to 23 explain it. I just went through a stretch where I 24 would get home and start doing something else and 25 forget to clock out.</p>
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<p>1 here. And this is marked ACSO 38. This is 2 something that was produced to us in discovery. 3 It's the written warning to Sergeant Kyle Beam from 4 February 2020. Have you had a chance to read 5 through this? 6 A. No. 7 MS. PFEIFFER: Sean, do you have a copy 8 of that there? If not, we can just read it 9 here. 10 MR. PERRIN: I -- what's the Bates 11 stamp number? 12 MS. PFEIFFER: It is Number 38, 13 ACSO 38. 14 MR. PERRIN: Yes, I do. Give me one 15 second. 16 MS. PFEIFFER: Okay. 17 BY MS. PFEIFFER: 18 Q. Okay. And, Sergeant Beam, if you want to 19 take a read through the hard copy that Sean has, 20 that might just be easier. I'll -- I'm happy to 21 scroll to the bottom just so you know we're looking 22 at the same thing. So just go ahead and take a 23 read of that and let me know when you're -- 24 MR. PERRIN: I put a copy in front of 25 him.</p>	<p>1 Q. Okay. So it was -- it wasn't that the 2 system was difficult, it was just your mind was 3 elsewhere. 4 A. Yes. 5 Q. Okay. So I'm -- I'm interested in knowing 6 why a failure to clock in and clock out was 7 something that was taken so seriously that you got 8 a written reprimand. 9 A. I don't know. You would have to talk to 10 Lieutenant Tice. He's the one that initiated this. 11 Q. Yeah. I notice that at the bottom it does 12 say that -- I guess it's the second to last 13 paragraph, "Sergeant Beam has been counseled about 14 the Violation in the past by Lieutenant Tice and 15 Lieutenant Little and he continues to Violate this 16 Memorandum." 17 You see that, right? 18 A. Yep. 19 Q. What does that mean, they had counseled you 20 about it? 21 A. They had just told me to make sure I keep up 22 with it better than I had been. 23 Q. And so were Tice and Little the guys who 24 would follow up if people weren't doing what they 25 were supposed to do, like following procedures?</p>



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<p>1 A. Yes.</p> <p>2 Q. And I see that Lieutenant Little signed it</p> <p>3 as a witness, right?</p> <p>4 A. Yes.</p> <p>5 Q. You signed it?</p> <p>6 A. Yep.</p> <p>7 Q. Sheriff Reid signed it?</p> <p>8 A. Yep.</p> <p>9 Q. Do you remember being given this written</p> <p>10 reprimand?</p> <p>11 A. Yes, I remember it.</p> <p>12 Q. Were y'all in the same room? Like, was it a</p> <p>13 meeting and -- like, what happened?</p> <p>14 A. They just called me into the office and sat</p> <p>15 me down and told me that they had already warned me</p> <p>16 one time and that they were going to have to do</p> <p>17 this, and I said okay. I'd told them when we had</p> <p>18 the -- the verbal counseling that, you know, I'd</p> <p>19 take responsibility. I'm the one who made the</p> <p>20 mistake.</p> <p>21 Q. Does it strike you as odd that this much</p> <p>22 emphasis is paid by the sheriff's department on a</p> <p>23 failure to clock in and clock out versus nobody</p> <p>24 following up with you about what happened on March</p> <p>25 7th in 2018?</p>	<p>1 hey and me nodding my head.</p> <p>2 Q. So no significant interaction to speak of?</p> <p>3 COURT REPORTER: Did you answer?</p> <p>4 THE DEPONENT: I said no. No</p> <p>5 significance. Sorry.</p> <p>6 BY MS. PFEIFFER:</p> <p>7 Q. All right. I just want to show you one more</p> <p>8 thing here. Okay. Share my screen again. Okay.</p> <p>9 (EXHIBIT 20, Blue Line post, was marked</p> <p>10 for identification.)</p> <p>11 BY MS. PFEIFFER:</p> <p>12 Q. So I was looking through some of the posts</p> <p>13 on your Instagram and found this one here. Can you</p> <p>14 see my screen?</p> <p>15 A. Yes.</p> <p>16 Q. So it's a blue line in the middle. It's got</p> <p>17 two, what appears to be pretty heavily armed guys</p> <p>18 with, appears to be, machine guns and helmets, and</p> <p>19 it says, "I will never apologize for defending this</p> <p>20 line," right?</p> <p>21 A. Yes.</p> <p>22 Q. What is this?</p> <p>23 A. It's just a post about the Thin Blue Line.</p> <p>24 Q. What does it mean to you?</p> <p>25 A. I would have -- I posted that in --</p>
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<p>1 MR. PERRIN: Objection to form.</p> <p>2 You can answer.</p> <p>3 THE DEPONENT: I would -- yeah, I would</p> <p>4 personally think that was a little strange.</p> <p>5 BY MS. PFEIFFER:</p> <p>6 Q. So let's just -- let's sort of go back to</p> <p>7 what I'll call the aftermath of March 7th.</p> <p>8 So at some point did you find out that David</p> <p>9 Burroughs had been arrested for planting drugs?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember when you found that out?</p> <p>12 A. No, I do not recall.</p> <p>13 Q. Do you remember how you found out?</p> <p>14 A. I really don't remember, no.</p> <p>15 Q. Separate and apart from the talk within the</p> <p>16 department back in 2018, like around the time of</p> <p>17 the Internal Affairs investigation, SBI, setting</p> <p>18 that aside, after the arrest, which was much later,</p> <p>19 do you recall any talk within the department about</p> <p>20 the arrest?</p> <p>21 A. Not specifically, no.</p> <p>22 Q. Have you had any contact with David</p> <p>23 Burroughs since March 7th or March 8th of 2018?</p> <p>24 A. Once or twice I've run into him at the</p> <p>25 store, and it was never more than just him saying</p>	<p>1 basically in response to the world events and</p> <p>2 everybody turning their backs on law enforcement at</p> <p>3 the time.</p> <p>4 Q. What do you mean by that?</p> <p>5 A. Or it's that -- when people were basically</p> <p>6 trying to call us all criminals, and I knew we</p> <p>7 weren't.</p> <p>8 Q. And when was that?</p> <p>9 A. All of us. There's bad apples.</p> <p>10 I don't remember when I posted that exactly.</p> <p>11 Q. And did you create this?</p> <p>12 A. No.</p> <p>13 Q. Where did you download it from?</p> <p>14 A. I really don't remember.</p> <p>15 Q. And what are -- what are your limits on</p> <p>16 this, if any?</p> <p>17 MR. PERRIN: Object to the form. I</p> <p>18 don't know if I understand the question.</p> <p>19 But if you do --</p> <p>20 THE DEPONENT: I don't, either.</p> <p>21 MR. PERRIN: -- you can answer.</p> <p>22 BY MS. PFEIFFER:</p> <p>23 Q. Okay. So -- so what I read this as saying,</p> <p>24 "I will never apologize for defending this line" --</p> <p>25 explain to me what that means, "defending this</p>

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<p>1 line."</p> <p>2 A. It just means that I stand behind law</p> <p>3 enforcement in general.</p> <p>4 Q. And so when I say "what are your limits,"</p> <p>5 are there any limits on that? Is there a time when</p> <p>6 you wouldn't stand behind law enforcement?</p> <p>7 A. If it's proven that they are in the wrong.</p> <p>8 I mean, we -- we want to weed out the bad apples</p> <p>9 just like everybody else.</p> <p>10 Q. As far as you're concerned, would -- would</p> <p>11 this "never apologize for defending the blue line,"</p> <p>12 would this include supporting an officer who's</p> <p>13 accused of framing an innocent person?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. I mean, if you're intentionally framing an</p> <p>17 innocent person, that's just wrong. That, to me,</p> <p>18 just means when people are out here saying that law</p> <p>19 enforcement's the Gestapo and that we're the ones</p> <p>20 out here beating people up when we know we're not</p> <p>21 or just -- just the overall defense of the -- the</p> <p>22 profession in general.</p> <p>23 MS. PFEIFFER: If we could take maybe a</p> <p>24 five -- you know what? If we can take a</p> <p>25 break till 2:30, I might not have any more</p>	<p>1 people, too." Remember that?</p> <p>2 A. Yes.</p> <p>3 Q. So you were aware that he had been reaching</p> <p>4 out to many people about this car?</p> <p>5 A. Yes. Well, a few people, yeah. He told me</p> <p>6 he had tried to give the information to some other</p> <p>7 people.</p> <p>8 Q. Do you remember who he told you he had</p> <p>9 already reached out to?</p> <p>10 A. I don't think he gave me any particular</p> <p>11 names.</p> <p>12 Q. Did you know he reached out to Mario</p> <p>13 Elkobersey?</p> <p>14 A. I found out sometime later, yes.</p> <p>15 Q. Did you know he reached out to Tim Hutchison</p> <p>16 at Polkton PD?</p> <p>17 A. Again, I found out sometime later.</p> <p>18 Q. Okay. What about Darius Ellison, his own</p> <p>19 partner? You found out he reached out to him?</p> <p>20 A. Sometime later, yes.</p> <p>21 Q. Chief Norris of Polkton Police? You found</p> <p>22 out he reached out to them, too?</p> <p>23 A. I don't recall if I heard that name</p> <p>24 specifically.</p> <p>25 Q. Did he say to you on the phone when he spoke</p>
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<p>1 questions. I just want to review my notes.</p> <p>2 Is that all right with everybody if we go</p> <p>3 off the record until 2:30? I have it as</p> <p>4 2:22.</p> <p>5 MR. PERRIN: Yep. Sound goods.</p> <p>6 MS. PFEIFFER: Okay, great.</p> <p>7 VIDEOGRAPHER: This is the end of Media</p> <p>8 Unit Number 1 in the deposition of Sergeant</p> <p>9 Kyle Beam. The time is 2:22 p.m. We are</p> <p>10 now off the record.</p> <p>11 (A recess transpired from 2:22 p.m.</p> <p>12 through 2:30 p.m.)</p> <p>13 VIDEOGRAPHER: This is beginning of</p> <p>14 Media Unit Number 2 in the deposition of</p> <p>15 Sergeant Kyle Beam. The time is 6:30 --</p> <p>16 2:30 p.m. We are back on the record.</p> <p>17 BY MS. PFEIFFER:</p> <p>18 Q. Sergeant Beam, I have just a short follow-up</p> <p>19 with you.</p> <p>20 We were talking earlier about your call with</p> <p>21 David Burroughs and him giving you information</p> <p>22 about the car that was going to be coming through.</p> <p>23 Remember that?</p> <p>24 A. Yes.</p> <p>25 Q. And you had said "I know he had called other</p>	<p>1 to you -- whether it was in the morning or shortly</p> <p>2 before the stop, when he gave the information, what</p> <p>3 did he tell you about contacting other people at</p> <p>4 that point in time?</p> <p>5 A. If I recall correctly, he just told me that</p> <p>6 it had come through a few times before and nobody</p> <p>7 was able to get it stopped.</p> <p>8 Q. So you understood that he had attempted to</p> <p>9 have it stopped but nobody was successful yet?</p> <p>10 A. Yes.</p> <p>11 Q. And did you have any understanding of what</p> <p>12 time frame he was talking about?</p> <p>13 A. No.</p> <p>14 Q. You just knew that it had been unsuccessful</p> <p>15 in the past?</p> <p>16 A. Yes.</p> <p>17 Q. And it was the same information he shared</p> <p>18 with you about who was going to be in the car and</p> <p>19 what allegedly was in that car?</p> <p>20 A. Yes.</p> <p>21 MS. PFEIFFER: All right. I don't have</p> <p>22 anything further for you. Thank you very</p> <p>23 much for your time, Sergeant Beam. Your</p> <p>24 attorney or Mr. Ferlan may have some</p> <p>25 questions, though.</p>

<p style="text-align: right;"><b>Page 110</b></p> <p>1 MR. PERRIN: This is Sean. I have no 2 questions. Thank you. 3 MR. FERLAN: Nothing from me. Thank 4 you. 5 VIDEOGRAPHER: Okay. This is the end 6 of Media Unit Number 2 in the deposition of 7 Sergeant Kyle Beam. The time is 2:32 p.m. 8 We are now off the record. 9 COURT REPORTER: I need y'all to state 10 your orders, please, for the record. 11 MS. PFEIFFER: Standing order for us, 12 please. 13 MR. PERRIN: This is Sean. Just eTran 14 with exhibits would be great. 15 MR. FERLAN: And this is Christian. I 16 do not need a copy. I'll get it from Sean. 17 Can you actually make that my order for the 18 prior deposition, too, for Bennett? 19 COURT REPORTER: And I was told it may 20 be a rough draft. Is it? 21 MS. PFEIFFER: For who? 22 COURT REPORTER: Anybody. 23 MS. PFEIFFER: Suzette? 24 MS. WOOLSEY: No. We don't -- I don't 25 think we need a rough draft. Do you?</p>	<p style="text-align: right;"><b>Page 112</b></p> <p>1 CERTIFICATE OF REPORTER 2 I, Madonna M. Farrell, Registered 3 Professional Reporter and Notary Public in and for 4 the State of South Carolina, do hereby certify that 5 the deponent, KYLE BEAM, was remotely sworn by me 6 to testify to the truth, under the penalty of 7 perjury and that the above deposition, Pages 1 8 through 112, inclusive, was recorded 9 stenographically by me and transcribed through 10 computer-aided transcription by me to the best of 11 my ability. 12 I FURTHER CERTIFY that the foregoing 13 transcript is a true and correct transcript of the 14 testimony given remotely by the said witness at the 15 time and place specified. 16 I FURTHER CERTIFY that I am neither attorney 17 or counsel for, nor related to or employed by any 18 of the parties to the action in which this 19 deposition is taken, or financially interested in 20 this action. 21 IN WITNESS WHEREOF, I have set my hand and 22 seal this 17th of May, 2022. 23 <i>Madonna Farrell</i> 24 Madonna M. Farrell 25 Registered Professional Reporter Notary Public My commission expires August 20, 2025</p>
<p style="text-align: right;"><b>Page 111</b></p> <p>1 MS. PFEIFFER: No. 2 MS. WOOLSEY: We have a turnaround 3 time, I think, of five business days. 4 (The deposition concluded at 2:33 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	